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LUCIUS VISCOUNT FALKLAND.

THE PORTRAIT FROM THE ORIGINAL BY VANDYCK, AT THE GROVE.

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LIVES

OF THE

FRIENDS AND CONTEMPORARIES

OF

LORD CHANCELLOR CLARENDON:

ILLUSTRATIVE OF PORTRAITS IN HIS GALLERY.

B 542

By LADY THERESA LEWIS.

"Of all the woes which civil discords bring,
And Rome o'ercome by Roman arms, I sing."

Lucan's Pharsalia, by ROWE, b. i.

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IN THREE VOLUMES.—VOL. I.

With Portraits.

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LONDON:
JOHN MURRAY, ALBEMARLE STREET.
1852.

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LONDON: PRINTED BY W. CLOWES AND SONS, STAMFORD STREET.

TO

GEORGE WILLIAM FREDERICK EARL OF CLARENDON

This Work

IS INSCRIBED

BY

HIS AFFECTIONATE SISTER,

THE AUTHOR.

PREFACE.

It is with feelings of great diffidence that the following pages are offered to the public, though not without the hope that the result of much agreeable labour may be of some interest to those whose sympathy is readily awakened in the deeds of men who played their part in an important period of the history of their own country. No pains have been spared in the endeavour to be accurate as to facts; but it would be vain to suppose that, in a work relating to a period of violent political animosity and of civil war, the attempt to reconcile conflicting evidence and to supply the deficiencies of information caused by the unsettled state of the country should have always been successful. Nothing, however, has been stated without full reference to the authorities from which it is drawn, and in no case has information knowingly been accepted at second hand when the original was accessible; still less have the conjectures of the author been allowed to supply the place of authentic testimony. But if, through inadvertence or error, facts

have been misstated or misunderstood, it is to be hoped that their correction or explanation by abler hands will elicit the truth, the search for which has been throughout the only object in view.

But if some apology may be required for the publication of these volumes, a more pleasing task remains for which none can be due—the acknowledgment of many acts of kindness by those who on various occasions have had the power of affording me facilities and assistance in the pursuits in which I have been for some time engaged.

To the Duke of Somerset and Lord Essex I beg to offer my best thanks for the loan of all such MSS. as they had in their possession relating to the Marquis of Hertford and to Lord Capell.[1] To Mr. Panizzi and to Mr. Holmes my warmest thanks are due for the invariable kindness and assistance by which every facility has been given me to profit by the stores of the library and MSS. of the British Museum. To Mr. Lemon, of the State Paper Office, I am equally indebted, both for his kindness and for valuable information obtained through his knowledge of the papers in his custody.[2]

[1] Lord Falkland's absence from England deprived me of the advantage of applying to him for any MSS. relating to his ancestor; it has, however, been already stated by Mr. Teale, in his biographical work, that Lord Falkland had assured him he had none remaining in his possession.

[2] Through Mr. Lemon's assistance extracts from the Council Registers were procured: for the facility of obtaining information most important to literary and historical researches the world is indebted to Mr. Greville for his persevering exertions in procuring ample indexes to be formed to those invaluable Records.

To Sir Francis Palgrave I must also take this opportunity of offering my best thanks for the obliging manner in which he assisted me in researches at the Record Office; also to Dr. Bandinel and Mr. Coxe, of the Bodleian Library. From Mr. William Smith I have gratefully to acknowledge the assistance he was enabled to give me, from his long experience and great knowledge of engravings; and to Mr. Carpenter, of the British Museum, for the facilities afforded me, both in profiting by the collection of prints under his care, and by his own extensive information on the subject. Lastly, to Dr. Waagen I must take this means of tendering my thanks for the attention he bestowed and the valuable opinions he gave on each picture individually when he visited the collection at the Grove; at the same time trusting that he will excuse the liberty I have taken in quoting the opinion of one whose knowledge of pictures is of European reputation. Thanks are due to other friends for minor services and for kind encouragement. Whatever may be the success of the work to which they have lent their aid, the pleasure conferred by their kindness will always be gratefully remembered by the author.

London, December, 1851.

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INTRODUCTION.

PART I.

LORD CHANCELLOR CLARENDON'S COLLECTION OF PORTRAITS.

INTRODUCTION.

PART I.—THE CLARENDON GALLERY.

A GALLERY of Portraits, serving to illustrate a most eventful period in history, must always be regarded with interest; still more so when the pictures it contains can also claim attention from their excellence as works of art. But in viewing the Clarendon collection there are yet other sources of interest, suggested by the recollection that we are surrounded by the images of many of those who were linked by the ties of kindred, of friendship, or of party, to the person who collected their likenesses—that their names have been enshrined in history by his pen—and that we can at once associate with their portraits the record he has left of their actions, and the descriptions he has drawn of their character. That record may be imperfect, his judgment of character may have been partial or prejudiced, but Lord Clarendon has frankly disclosed his knowledge and his opinions, and they have been faithfully transmitted to posterity. We know the feelings with which he regarded the subjects of his gallery. Through him we live again in their times; we view them, as it were,

with the eyes of a contemporary, and acquire the personal interest in each portrait which personal intimacy would give.[1]

Lord Clarendon describes his taste through life for the society of eminent men;[2] the same taste would seem to have guided his choice in the selection of portraits by which he surrounded himself in his home; and though the collection can boast of a few of the best productions of Cornelius Jansen, and many of Vandyck, Lely, &c., there are other paintings which, as works of art, could never have found their place in such a gallery but for the value he attached to them as portraits.

The only authentic contemporaneous account that

[1] For this reason Lord Clarendon's characters of his friends and contemporaries, and even of himself, have been selected in preference to the accounts given by any other writer, and will be found subjoined to the description of the portrait and short memoir of its subject in the descriptive catalogue at the end of the third volume of this work.

[2] "He never took more pleasure in anything than in frequently mentioning and naming those persons who were his friends, or of his most familiar conversation, and in remembering their particular virtues and faculties; and used often to say 'that he never was so proud, or thought himself so good a man, as when he was the worst man in the company; all his friends and companions being in their quality, in their fortunes, at least in their faculties and endowments of mind, very much his superiors; and he always charged his children to follow his example in that point, in making their friendships and conversation: protesting that in the whole course of his life he never knew one man, of what condition soever, arrive to any degree of reputation in the world, who made choice or delighted in the company or conversation of those who in their qualities were inferior, or in their parts not much superior, to himself."—Life of Edward Earl of Clarendon, vol. i. pp. 29, 30.

remains of Lord Clarendon's gallery is to be found in a passage of Evelyn's Diary, where the following entry is made, December 20th, 1668:—

"I dined with my Lord Cornbury at Clarendon "House, now bravely furnished, especially with the "pictures of most of our ancient and modern wits, "poets, philosophers, famous and learned English-men." And again, in a long letter addressed by Mr. Evelyn to Mr. Pepys, dated August 12th, 1689, where he enumerates from memory many of the pictures he had formerly seen hung up at Clarendon House, and thus furnishes the only approach to a contemporaneous catalogue that has been preserved. Pepys had been desirous of forming a collection of pictures, somewhat on the same plan as that of the Chancellor's. Evelyn dissuaded him from the attempt, on the ground of the expense into which it would lead him, and advised him to confine himself to the less ambitious plan of collecting prints:—

"I should not advise," writes Mr. Evelyn to "his "worthy friend Mr. Pepys," "a solicitous expense of "having the pictures of so many great persons painted "in oil, which were a vast and unnecessary charge; ... "but," continues he, "if, instead of these, you think fit "to add to your title-pages, in a distinct volume, the "heads and effigies of such as I have enumerated, and "of as many others as, either in this or any other age, "have been famous for arms or arts, in *taille douce*, "and with very tolerable expense, to be procured

" amongst the printsellers, I should not reprove it. I " am sure you would be infinitely delighted with the " assembly; and some are so very well done to the life, " that they may stand in competition with the best " paintings." Mr. Evelyn then speaks of the Chancellor's " purpose to furnish all the rooms of state and " other apartments with the pictures of the most illus- " trious of our nation, especially of his Lordship's time " and acquaintance, and of divers before it." " There " were," says he, " at full length, the great Duke of " Buckingham, the brave Sir Horace and Francis " Vere, Sir Walter Raleigh, Sir Philip Sidney, the " great Earl of Leicester, Treasurer Buckhurst, Bur- " leigh, Walsingham, Cecil, Lord Chancellor Bacon, " Ellesmere, and, I think, all the late chancellors and " grave judges in the reigns of Queen Elizabeth, and " her successors James and Charles I. For there was " Treasurer Weston, Cottington, Duke Hamilton, the " magnificent Earl of Carlisle, Earls of Carnarvon, " Bristol, Holland, Lindsay, Northumberland, King- " ston, and Southampton, Lords Falkland and Digby " (I name them promiscuously, as they come into my " memory), and of Charles II., besides the Royal " Family, the Dukes of Albemarle and Newcastle, Earls " of Derby, Shrewsbury, St. Albans, the brave Mont- " rose, Sandwich, Manchester, &c.; and of the coif, " Sir Edward Coke, Judge Berkeley, Bramston, Sir " Orlando Bridgman, Geoffry Palmer, Selden, Vaughan, " Sir Robert Cotton, Dugdale, Mr. Camden, Mr. Hales

" of Eton; the Archbishops Abbot and Laud; Bishops " Juxon, Sheldon, Morley, and Duppa; Dr. Sanderson, " Brownrig, Dr. Donne, Chillingworth, and several of " the clergy and others of the former and present age. " For there were the pictures of Fisher, Fox, Sir " Thomas More, Thomas Lord Cromwell, Dr. Nowel, " &c. And, what was most agreeable to his Lordship's " general humour, old Chaucer, Shakspeare,[1] Beaumont " and Fletcher (who were both in one piece), Spenser, " Mr. Waller, Cowley, Hudibras, which last he placed " in the room where he used to eat and dine in public, " most of which, if not all, are at the present at Corn- " bury, in Oxfordshire, together with the library, which " the present Earl has considerably improved."

Having thus detailed the list of such pictures as he could recall to mind, Mr. Evelyn adds the following names of those which he says he had sent to his Lordship:—" Cardinals Pole and Wolsey; Gardiner Bishop " of Winchester, Cranmer, Ridley, old Latimer, Bishop " Usher, Mr. Hooker, Occam, Ripley, John Duns, " Roger Bacon, Suisset, Tunstal Bishop of Duresme " (correspondent with Erasmus), Tompson, Ven. Bede, " if at least to be met with in some ancient office or

[1] It would be interesting to know what has become of this portrait. Shakspeare died 1616, only forty-four years before the Restoration; Ben Jonson, the friend of Shakspeare and of Sir Edward Hyde, died in 1637, only twenty-three years before the Restoration; and from the circumstance of Ben Jonson having written some lines under the print of Shakspeare it is probable that Lord Clarendon would have known from him whether it was that print or any other portrait that most resembled so remarkable a person.

"mass-book,' where I have seen some of those old "famous persons accurately painted either from the "life or from copies: Sir John Cheke, Sir Thomas "Bodley, Smith, John Berkeley, Mr. Ascham, Sir "Fulk Grevil, Buchanan, Dr. Hervey, Gilbert, Mr. "Oughtred, Sir Henry Wotton (I still recite them "promiscuously, and not like an herald), Sir Francis "Drake, Sir Richard Hawkins, Mr. Cavendish, Martin "Frobisher."[1] Some of these he says his Lordship procured, "but was interrupted; and, after all this "apparatus and grandeur, died an exile, and in the dis- "pleasure of his Majesty and others who envied his "rise and fortune."

In the work entitled 'Historical Inquiries,' by Lord Dover, then Mr. Agar Ellis, this collection of pictures is made a ground of serious accusation against the Chancellor Clarendon. The charges are founded upon a note of Lord Dartmouth's, in the Oxford edition of Burnet's 'History of his own Times.' In the 'Historical Inquiries' it is stated that "Lord Dartmouth "was a Tory, and therefore should naturally have been "disposed to be favourable to Clarendon."[2] It is, however, quite clear that no party bias had influenced his opinion in favour of the Chancellor, and that the note is written in a tone of hostility and insinuation that betokens rather personal enmity (though he was born too late for

[1] Evelyn's Correspondence, vol. iv. p. 306.

[2] Historical Inquiries respecting the Character of Lord Clarendon, p. 27 (1827).

personal acquaintance [1]) than honest reprobation of public misconduct. Lord Dartmouth accuses Lord Clarendon of having wished "to depress every one's merits to ad- "vance his own;" and alleges that he had recourse "to "other means than the Crown could afford to increase "his fortune;" that those "who had suffered most in "the civil war were in no condition to purchase his "favour;" that "he therefore undertook the protec- "tion of those who had plundered and sequestered the "others, which he very artfully contrived by making "the King believe it was necessary for his own ease "and quiet to make his enemies his friends; upon "which he brought in most of those who had been the "main instruments and promoters of the late troubles, "who were not wanting in their acknowledgments in "the manner he expected, which produced the great "house in the Piccadilly, furnished chiefly with cava- "liers' goods brought thither for peace offerings, which "the right owners durst not claim when they were in "his possession.[2] . . . . Whoever had a mind to see

[1] William Legge, 2nd Lord and 1st Earl of Dartmouth, b. Oct. 1672, ob. Dec. 1, 1750. Mr. Hallam speaks of Lord Dartmouth as "one whose "splenetic humour makes him no good witness against any one."—Hallam's 'Constitutional History,' vol. ii. p. 503.

[2] Lord Dartmouth adds, "In my own remembrance Earl Paulett was "an humble petitioner to his (Lord Clarendon) sons for leave to take a "copy of his grandfather and grandmother's pictures (whole length drawn "by Vandyke) that had been plundered from Hinton St. George, which "was obtained with great difficulty, because it was thought that copies "might lessen the value of the originals." In that point of view they were certainly right, for there can be no doubt that the multiplication of

"what great families had been plundered during the "civil war might find some remains either at Clarendon "House or at Cornbury."

Nothing can be plainer than Lord Dartmouth's intention to charge the Lord Chancellor with having received bribes, both in money and goods, for the "bringing in of men" who were unfit and unworthy of the trust reposed in them; yet nothing can be more vague than the grounds on which this accusation is alleged; no specific evidence is adduced to support it, no mention is made of the particular individuals concerned, or the occasion or the time when the Chancellor received such bribes; it can therefore only be inferred that throughout his administration, on the most sordid motives of self-aggrandizement, he brought into power those "who had promoted the late troubles."

In estimating the credit due to Lord Dartmouth's testimony, the following considerations should be borne in mind:—

copies has a tendency to lower the value of the originals. The portraits in question being of such near relations to Lord Paulett, it may have been considered an ungracious act on the part of Lord Clarendon's sons to raise any difficulty on the subject; but there may have been reasons connected with the ownership of the pictures, or the immediate necessity of putting their value to the test, that may have caused this hesitation; as, however, there is nothing in this part of Lord Dartmouth's note that bears upon the charges against the Lord Chancellor Clarendon, it is unnecessary to allude to it further. There is no account to be found in any county history of Hinton St. George having been plundered; but in the Lords' Journals, vol. v. p. 372, is the following entry:—"Ordered, 24th September, 1642, "That the Lady Powlett shall have an order of Parliament to preserve her "houses at Hinton and Wicke from pillaging and violence of the soldiers."

1st. Lord Dartmouth was not a contemporary of the Chancellor; he was born in 1672: Lord Clarendon was banished in 1667, and died December, 1674; so that Lord Clarendon's administration came to an end five years before Lord Dartmouth was born. Lord Dartmouth's information must therefore have been obtained at second hand; and although his informants may have been persons who had taken a part in public affairs in the previous generation, yet, as he neither names nor even indicates them, it is impossible to form any judgment of their impartiality or means of knowledge.

2nd. Lord Dartmouth's note, written upon the margin of his copy of Burnet's History, was not published to the world till nearly a century after it was written,[1] and therefore it did not pass through the ordeal of contemporary criticism.[2] It never came under the eye of Lord Clarendon's immediate descendants, of his friends personal or political, or of any others who could test the statements from their own knowledge of the facts and of the character of the individual inculpated.

[1] Bishop Burnet's 'History of his Own Times,' with the suppressed passages, and notes by the Earls of Dartmouth and Hardwick and Speaker Onslow, published at Oxford, 1823.

[2] Lord Bacon's observations on unpublished precedents apply equally to such private commentaries as Lord Dartmouth's marginal notes. "Precedents," says he, "which have been published, have greater au- "thority; although they may not have been much in use, they have "been agitated and discussed in the conversation and arguments of men. "But those which have remained in desks and archives, as if they were "buried, and had passed into manifest oblivion, possess less authority. "For precedents, like water, are clearest in a running stream."—De Augm. Scient., lib. viii. aph. 28.

3rd. Lord Dartmouth's note was written without any view to publication; it appears to have been founded on loose impressions, and its grounds were not examined with the care which a man of his station would doubtless have bestowed if he had been personally responsible for a charge of this nature against so eminent a public servant as the Chancellor Clarendon.

Amongst the many evils that spring from an interrupted succession are to be included such as necessarily accompany a restoration; and perhaps none are more difficult to cope with than the jarring claims of those who, having remained faithful to the banished dynasty, look to reward, and those who, returning to their allegiance, expect to be conciliated—gratitude and policy become at once both rival appeals for preferment and motives of action, and the advancement of the members of either party is looked upon by the other as an act of base ingratitude or of vengeful exclusion. Doubtless, every mark of favour from the King to those who in the civil war had been opposed to the Royalist cause, and for whose advancement the Chancellor was held responsible, became a source of jealousy and of resentment towards him. Evelyn, indeed, assigns as one of the different causes of the Chancellor's downfall, "that "he made few friends during his grandeur among the "Royal sufferers, but advanced the old rebels."[1]

[1] The opposite opinions expressed by different writers of the Chancellor's conduct and feelings on this point speak in favour of his impartiality in the distribution of power and patronage, for he has certainly incurred the

His administration lasted from the year 1660 till 1667, when the King deprived him of the Great Seal. During that time, justly or unjustly, he had provoked the political and personal enmity of many high in power and in various stations; he was subjected to divers im-

penalty of impartiality, the dissatisfaction of both parties. Mr. Hallam says, "The Cavaliers hated him on account of the Act of Indemnity, and "the Presbyterians for that of Conformity."—Const. Hist., vol. ii. p. 494.

Bishop Burnet says, "Lord Clarendon put the justice of the nation in "very good hands; and employed some who had been on the bench in "Cromwell's time, the famous Sir Matthew Hale in particular."—History of his Own Times, vol. i. p. 300. Mrs. Hutchinson regarded Lord Clarendon as one exasperated against her husband (Life of Col. Hutchinson, p. 412), "and determined to keep their family down" (p. 454). Hume says, "The Royalists, disappointed in their sanguine hopes of preferment, "threw a load of envy on Clarendon" (vol. v. p. 525). Mr. Macaulay says that "His love of episcopacy was mingled with a vindictive hatred of "Puritans which did him little honour as a statesman or a Christian" (vol. i. p. 174); that "he was regarded by the Puritans, and by all who "pitied them, as an implacable bigot, a second Laud" (p. 194); and that the House of Commons, which "loudly and sincerely professed the strongest "attachment to the royal office and the royal person, owed no allegiance to "Clarendon, and fell on him as furiously as their predecessors had fallen "on Strafford" (ibid). Perhaps Hume's more general observation, "that "the Chancellor was at this time very much exposed to the hatred of the "public and of every party which divided the nation" (vol. v. p. 525), may be a true picture of his unfortunate position at the moment of his downfall; but it would be hard to fix any charge upon him based on the supposition of a recognised preference of one party over the other.

"Lord Clarendon fell under the common fate of great ministers, whose "employment exposes them to envy, and draws upon them the indig-"nation of all who are disappointed in their pretensions. Their friends "do generally show that they are only the friends of their fortunes; and "upon the change of favour they not only forsake them in their extremity, "but, that they may secure to themselves the protection of a new favourite, "they will labour to redeem all that is past by turning as violently against "them as they formerly fawned abjectly upon them."—Burnet's Hist. of his Own Times, vol. i. p. 446.

putations, misrepresentations, and calumnies; and yet, though for a period of seven years his conduct, according to Lord Dartmouth, was open to the charge of bribery and corruption of the meanest kind, "this "charge," says the author of 'Historical Inquiries,' "as far as documentary evidence goes, rests entirely, "as far as I have been able to discover, upon the "authority of Lord Dartmouth."[1] This silence cannot be attributed to the forbearance of his enemies, and must therefore be considered as a proof that his contemporaries did not seriously share in the opinions expressed by Lord Dartmouth.[2]

But it is less to Lord Dartmouth's opinions[3] than to the inference drawn by the author of the 'Historical

[1] That Lord Clarendon was accused by his enemies of accepting bribes from the French and Dutch, and that his house was called Holland House and Dunkirk House, is perhaps too well known to be here repeated; but that accusation is quite distinct from Lord Dartmouth's charge "of bring-"ing in those who had plundered and sequestered the others, for the sake of "obtaining cavaliers' goods from the main instruments of the late troubles."

[2] The satirical poems of Andrew Marvell cannot be taken as historical evidence. Mr. Pepys was unfriendly to the Chancellor Clarendon, and would certainly not have failed to note down this charge had it been made or believed in his time; but though he makes mention of his house and pictures, it is without any such comment. "(April 22, 1667.)—To the Lord Chancellor's house, the first time I have been therein; and it is very noble, and brave pictures of the ancient and present nobles."—Pepys' Mem., vol. iii. p. 206.

[3] It must be remembered that Lord Dartmouth mentioned "Cavaliers' "goods" in general, but without specifying pictures as amongst the gifts the Chancellor received "from the main instruments and promoters of the "late troubles." The only allusion to pictures is the complaint that Lord Paulett had been uncourteously treated when desirous of obtaining a copy of the pictures of his grandfather and grandmother.

Inquiries' that it is necessary to refer in treating the subject of the Chancellor Clarendon's collection of pictures, as it is from the existence of that collection that he found what he states to him appeared "the circumstantial evidence" by which that charge "was curiously "confirmed." The "circumstantial evidence" consists in the following statement: "that in this collection[1] an "extraordinary assemblage of portraits is to be found "of different races, especially the portraits of the different members of almost all the conspicuous families "on the King's side in the civil wars; among them "the Stanleys, Cavendishes, Villierses, Hamiltons, &c. "&c.;"—that Lord Clarendon was certainly "unconnected either by relationship, connexion, or even "friendship," with the subjects of these portraits;—"that no one gives away family portraits to a stranger; "—that they were almost all painted by Cornelius "Jansen or Vandyck, and therefore must have been "painted before the civil wars began;"—"that the "Chancellor could not have bought them;" for, "had "they been on sale, there can be no doubt but that the "families to which they originally belonged would have "managed to purchase them;"—and that "in all other "collections of portraits in England it is for the most "part easy to discover how each portrait came into the "family, by tracing its relationship and connexions."

The mystery of an extraordinary assemblage of persons of "different families" is at once solved by the

[1] One half is at Bothwell Castle, the other at the Grove Park, Herts.

fact that such was the plan on which the Chancellor's gallery was formed, and which, we learn from Evelyn, was intended to be made up of "our ancient wits, poets, "philosophers, famous and learned Englishmen, the "most illustrious of our nation, especially of his Lord-"ship's time and acquaintance, and of divers before it." Next, a gallery that included amongst its best pictures, by Vandyck and other artists, the portraits of Lord Falkland, Lord and Lady Capell,[1] Lord Grandison,[2] Lady Moreton,[3] Lord Hertford, the Duke of Richmond,[4] Lord Cottington, Sir Thomas and Lady Ailesbury and Mr. Ailesbury,[5] Sir Henry Capell,[6] the Duchess of Beaufort, Archbishop Laud (his earliest patron), Selden,[7] Ben Jonson, Charles Cotton, John Vaughan, Sir Kenelm Digby, Cowley, Bishops Morley and Sheldon, Hales and Chillingworth,[8] Sir Edward Littleton, Sir

[1] The Chancellor's eldest son married Lord Capell's daughter.

[2] William Villiers, Viscount Grandison, was first-cousin to Lord Clarendon's first wife, and of him he speaks as "his familiar friend," and "one in whom he had entire confidence."

[3] Lady Moreton was the sister of Lord Grandison, and with her Lord Clarendon was also on terms of intimacy and friendship; some of his letters to her are still preserved in the Clarendon State Papers. The mothers of Lord Grandison, of Anne Ayliffe (the first wife of Edward Hyde), and of Lucy Apsley (the wife of Colonel Hutchinson), were sisters.

[4] Of the friendship established between Mr. Hyde and the Duke of Richmond at York there is some account given in Lord Clarendon's 'Life.'

[5] Father, mother, and brother in law to Lord Clarendon.

[6] Sir H. Capell and Duchess of Beaufort, son and daughter of Lord Capell.

[7] Mr. Hyde was wont to say he valued himself upon nothing more than upon having had Mr. Selden's friendship.

[8] These ten persons are all named together in Lord Clarendon's 'Life,' "as amongst the friends with whom he lived in greatest intimacy."—vol. i. p. 30.

Geoffrey Palmer,[1] the Earl of Southampton, the Duke of Ormond, besides a large number of family portraits of the Hydes, ought certainly not to fall under any suspicion on the ground of a want of relationship, connexion, or still less of friendship, between the subjects of the portraits and the person who collected them.[2] That Lord Clarendon was not "*a stranger*" to those whose likenesses he collected round him, might at once dispose of the difficulty of his having received them as

[1] To Sir G. Palmer he bequeathed the guardianship of his children in the will made in the island of Jersey.

[2] It must also be observed that, even amongst the most valuable and undoubted originals by Vandyck and others, many are duplicates of those still in the possession of the families who claim descent from the subjects of these portraits—such, for instance, as Lord Grandison, the father of the Duchess of Cleveland, belonging to the Duke of Grafton; the Earl of Northumberland, belonging to Lord Essex, whose ancestor Arthur, first Lord Essex, married the daughter of the Earl of Northumberland; the portraits of William and Philip, Earls of Pembroke, of which the duplicates are at Wilton; Archbishop Laud, of which there is a duplicate still at Lambeth, and another at Wentworth; Lord Strafford, of whom there are so many portraits, and amongst the most celebrated that at Wentworth; Lord Arundel, whose portrait is in the collection of every branch of the Howard family; Sir Geoffrey Palmer, of whom a portrait is said to be at Carlton Hall, Northumberland, and in the possession of Henry Palmer, Esq. (vide Jones's 'Views'); Lord Keeper Coventry, of whom there is one in the possession of Lord Coventry. In addition to these examples of portraits that do not seem to have been fruits of the plunder of particular royalist families, it should be remarked that at Bothwell Castle there are eight and at the Grove fourteen pictures of royal persons, many of which were painted after the civil war, and which could not therefore have formed any part of the "plunder from Cavaliers." The portrait of George Villiers, first Duke of Buckingham, bore the initials of C. P., with the crown over the letters, and was probably the gift of the King. That of Catherine of Braganza, and the children of Charles I., also came from the royal collection.

gifts from the family; Evelyn has, however, left no room for doubt, by stating that many of these portraits were gifts to the Chancellor. It is greatly overstating the value of the collection to suppose that the pictures "are almost all painted by Vandyck and Cornelius "Jansen." Many original works by Sir Peter Lely (who was much patronised by the Duchess of York), by Honthorst, Sir Godfrey Kneller, Wissing, and by some other artists, together with copies, some good, some bad, have swelled the numbers of a gallery that owes a large portion of its interest to causes independent of excellence in art. That they are not "almost exclu- "sively the works of Vandyck and Cornelius Jansen"[1] removes at once *that* proof that the portraits must have been painted before the civil wars.

The idea that the pictures could not have been bought, but by those to whom they had originally belonged, is also dispelled by Evelyn's stating the fact that many were purchased expressly for the Chancellor's gallery; and it must be admitted that those persons mentioned by Lord Dartmouth as having "suffered "most in the civil wars," who had been plundered and sequestered, and who were in no condition to purchase favour, were unlikely to be forward in the re-purchase of pictures of great price, even when they did not (as they often did) possess duplicate copies of the same subject. The poverty that was said to exclude the

[1] There are but two pictures at the Grove by Cornelius Jansen inherited from the Chancellor.

Royalists from the power of bribing the Lord Chancellor must also have prevented their repossessing themselves of these pictures: had they, indeed, been able to do so, they would at once have held in their hands the peace-offering supposed necessary to advancement.

There is, however, no difficulty in accounting for the facility with which the Chancellor and many other collectors of that period may have become possessed of portraits that had once been prized and cherished by their original owners. The Royalists were not the only sufferers during the civil wars. Many houses were pillaged on each side, and large collections of pictures were thrown into the market both by plunder and by the necessity for money. The Duke of Buckingham lived for a time on the profits arising from the sale of his father's gallery.[1] The King's collections were also sold.[2] Mrs. Hutchinson relates with natural pride the

[1] When Sir Peter Lely died, his splendid collection of pictures and drawings was sold. He had purchased "many of Vandyck and the Earl of "Arundel's; and the second Villiers pawned many to him that had "remained of his father the Duke of Buckingham's." . . "A list of "part of his collection was printed with the Duke of Buckingham's collec- "tion by Bathoe; it contained twenty-six of Vandyck's best pictures."—Walpole's 'Anecdotes of Painting,' vol. iii. p. 20.

[2] All the furniture from all the King's palaces was brought up and exposed to sale, particularly Somerset House, Greenwich, Whitehall, Oatlands, Nonsuch, Windsor, Wimbledon House, St. James's, Hampton Court, Richmond, Theobalds, Ludlow, Carisbrook and Kenilworth Castles, Bewdley House, Holdenby House, Royston, Newmarket, and Woodstock Manor-house (Walpole's 'Anecdotes of Painting,' vol. ii. p. 73); and from the list of pictures given by Vertue from a catalogue once in possession of John Anstis, Esq., Garter King at Arms, it would appear that no less than 1387

taste which prompted her husband's purchases in works of art, and the liberality with which he paid for its indulgence :—

"The only recreation he had during his residence "at London was in seeking out all the rare artists "he could hear of, and in considering their works in "painting, sculptures, gravings, and all other such curi- "osities, insomuch that he became a great virtuoso and "patron of ingenuity. Being loth that the land should "be disfurnished of all the rarities that were in it, "whereof many were set for sale from the King's and "divers noblemen's collections, he laid out about 2000*l.* "in the choicest pieces of painting, most of which were "bought out of the King's goods, which had been given "to his servants to pay their wages; to them the "Colonel gave ready money, and bought such good "pennyworths that they were valued at much more "than they cost. These he brought down into the "country." [1]

Nor is it only in the confusion of civil strife, but even in times of undisturbed peace, that the ruin of

pictures from these royal houses were sold in the Protectorate.—Mrs. Jameson's 'Handbook to Public Galleries.'

[1] Memoirs of Colonel Hutchinson, edit. Bohn's Standard Library, p. 367.—Mrs. Hutchinson deeply felt the injustice with which her husband was afterwards treated by the Crown on this subject :—"In December, "1660, an order came down from the Secretary, commanding certain pic- "tures and other things the Colonel had bought out of the late King's "collection, which had cost him in ready money between 1000*l.* and 1500*l.*, "and were of more value, and notwithstanding the act of oblivion were all "taken from him."—Ibid., p. 224.

great families and the consequent sale of collections of pictures occur; and it is then that either the skill of the artist or the fame of the subject obtains a ready sale for portraits wholly unconnected with the families of their purchasers.[1] These well-known facts alone are inconsistent with the climax of "circumstantial evidence" brought in favour of Lord Dartmouth's charge, viz., "that in all the collections of portraits in England it "is for the most part easy to discover how each por- "trait came into the family by tracing its relationship "and connexion." The daily experience of those who have interested themselves on such subjects bears strong testimony against this proposition: perhaps, indeed, the converse is nearer the truth, and it might be more truly said that there are few collections where there are not many portraits for whose presence it would be difficult to assign any other reason than the accidents of gift or of purchase. Nor can this be matter of wonder, for the vicissitudes of a portrait often far outstep those of the living subject. In the course of a few years the names of even family pictures are frequently forgotten,[2]

[1] Within the last few years the sales at Strawberry Hill and at Stowe afford a good example of the rescattering of portraits that had been gathered together without much reference to family connexion. Portraits by Sir Joshua Reynolds have been for years eagerly bought up as works of art, and many a picture has wandered from the family for whom it was painted to adorn the galleries of some richer man or more practised connoisseur.

[2] Evelyn says, "Our painters take no care to transmit to posterity the "names of the persons whom they represent, through which negligence so "many excellent pieces come after a while to be dispersed amongst brokers

their value is then at once diminished, and, if without merit as works of art, they are banished from their places of honour, soon treated as worthless lumber, parted with as unsightly incumbrances, and not unfrequently purchased as mere furniture to cover the bare walls, or perhaps to be received as ancestors in some strange family, and live again with fresh names in the hands of fresh owners.[1]

But though the causes of dispersion and acquisition are far too numerous and obvious not to readily account for the assemblage of pictures collected by the Chancellor or any other collector, it will be well to quote the passage from Evelyn where he describes the manner in which Lord Clarendon was assisted to form his gallery. In his advice to Mr. Pepys "not to embark in the "vast and unnecessary charge of having so many great "persons painted in oil," he adds, that "it was not so "extraordinary a one to my Lord Clarendon as one "may imagine, because, when his design was once made

"and upholsterers, who expose them to the streets in every dirty and "infamous corner."—vol. iv. p. 300.

[1] It is a notorious fact amongst dealers in pictures, that they receive applications from customers for "a set of ancestors;"—also portraits of bishops, colonels of regiments, &c., of a given date, are sometimes required to fill up the chain of succession. A well-attested story is told of a nobleman (who died in the early part of this century), who was in the habit of mentioning with great satisfaction the ingenious method he had adopted to supply his castle with such portraits as seemed wanting to his collection, and that, whenever he saw on sale any portrait dressed in the costume of a period where a blank was to be filled up, he always bought it, and, affixing to it the name of the ancestor who had lived at that time, succeeded in obtaining a complete series of *family portraits*.

" known, anybody who either had them of their own, " or could purchase them at any price, strove to make " their court by these presents, by which means he got " many excellent pieces of Vandyck, and the originals " of Lely, and the best of our modern masters' hands."[1] This desire to pay court to the great, in whatever way evinced, is a weakness, not to say a meanness, that has belonged to all ages; but whatever might have been the spirit of flattery or self-interest which prompted the desire to gratify the Lord Chancellor's tastes, to suppose that these offerings were received by him as bribes, and that he misused his influence or was corrupt in the administration of justice in return for such gifts, would be to give an interpretation to Evelyn's words wholly inconsistent with the opinion which in the very same letter he expresses of the Chancellor's worth.[2] After

[1] Letter to Mr. Pepys, Evelyn's 'Memoirs,' vol. iv. p. 30.

[2] There is no intention to discuss in this brief notice the more general question of the purity of the Chancellor Clarendon's administration, but, since a sentence has been quoted in the 'Historical Inquiries,' from Pepys's Diary, to prove that Evelyn's opinions were unfavourable to his honesty and thus supported Lord Dartmouth's charge, it may be well here to repeat the passage, and see how far it agrees with the feelings and opinions expressed by Evelyn on other occasions.

In the course of a conversation between Evelyn and Pepys, the subject of Sir Thomas Clifford's rapid rise appears to have been discussed, and attributed to the influence of Lord Arlington, "*whose creature he is and* " *never leaves him.*" " By the way," writes Mr. Pepys, April 26, 1667, " he (Evelyn) tells me, that of all the great men of England there is none " that endeavours more to raise those that he takes into favour than my " Lord Arlington, and that on that score he is much more to be made one's " patron than my Lord Chancellor, who never did nor never will do anything " but for money." That Mr. Evelyn expressed an opinion of the superior advantages to be gained by the protection of Lord Arlington seems quite

lamenting his fall, through the influence of the most profligate members of a dissolute Court, and contrasting

clear, but it is much less clear that the reflection on Lord Clarendon was ever uttered by him: the wording would admit of its being either his or Mr. Pepys's, but the style of the comment is much more like Mr. Pepys's own than Mr. Evelyn's. Nor is this all; throughout Mr. Evelyn's diary and letters there is not a word to be found corresponding to such sentiments, and they are utterly at variance with his frequent expressions of friendship and respect for the Chancellor's character; of which the following letters, addressed on two different occasions to Lord Cornbury, afford striking examples:—

"London, February 9, 1664-5.

"I own, my Lord, our illustrious Chancellor for my patron and bene-
"factor; so I pay him as tender and awful respect (abstracted from his
"greatness and the circumstances of that) as if he had a natural as he
"had a virtual and just dominion over me; so as my gratitude to him
"as his beneficiary is even adopted into my religion; and till I renounce
"that I shall never lessen of my duty; for I am ready to profess
"it, I have found more tenderness and greater humanity from the in-
"fluences of his Lordship than from all the relations I have now in the
"world, wherein yet I have many dear and worthy friends. My Lord,
"pardon again this excess, which I swear to you proceeds from the honest
"and inartificial gratitude of, my Lord, yours, &c."—Evelyn's 'Memoirs,' vol. iv. p. 136.

"Says Court, January 20, 1665-6.

"May that great and illustrious person, whose large and ample heart
"has honoured his country with so glorious a structure, and by an example
"worthy of himself showed our nobility how they ought indeed to build and
"value their qualities, live many long years to enjoy it; and when he shall
"be passed to that upper building, not made with hands, may his posterity
"(as you, my Lord) inherit his goodness, this palace, and all other cir-
"cumstances of his grandeur, to consummate their felicity; with which
"happy augur, permit me in all faithfulness and sincerity to subscribe
"myself, my Lord, yours, &c."—Ibid., pp. 173-4.

Had the religious-minded Evelyn believed that the great house "in the "Piccadilly had been produced" by the bribes of those "who were the main "instruments of the late troubles," and been furnished by goods acquired in so discreditable a manner, it would have been impossible for him thus to allude to the structure itself, and still less to the future state of its possessor.

the corruption that followed on his dismissal, he says,— "Whatever my Lord Clarendon's skill, whether in "law or politics, the offices of state and justice were "filled with men of old English honour and probity. . . "There were, indeed, heinous matters laid to his "charge *which I could never see proved.*" Had Mr. Evelyn supposed that by receiving these gifts the character of a minister and a judge was tarnished, he would never have described the plan of collection with unmixed approbation and admiration; and still less would one so pure and virtuous have afforded his assistance to make fresh lists of portraits to be obtained, had he believed that such additions would be fresh blots on the name and integrity of a Lord Chancellor.[1]

[1] In a letter to the Lord Chancellor, dated 18th March, 1666-7, Mr. Evelyn says,—

"My Lord, your Lordship inquires of me what pictures might be added "to the assembly of the learned and heroic persons of England which your "lordship has already collected; the design of which I do infinitely more "magnify than the most famous heads of foreigners which do not concern "the glory of our country; and it is, in my opinion, the most honourable "ornament, the most becoming and obliging which your Lordship can "think of to adorn your palace withal; such therefore as seem to be "wanting I shall range under these three heads:—

"THE LEARNED.

"Sir Hen. Savell	Alcuinus	Adrian IV.
"Archbishop of Armagh	Ridley } Martyrs.	Alex. Hales
"Dr. Harvey	Latimer }	Ven. Bede
"Sir H. Wotton	Roger Ascham	Jo. Duns Scotus
"Sir T. Bodley	Dr. Sanderson	Sir J. Cheke.
"G. Buchanan	Wm. Oughtred	
"Jo. Barclay	M. Philips	*Ladies.*
"Ed. Spencer	Rog. Bacon	Eliz. Joan Weston
"Wm. Lilly	Geo. Ripley	Jane Grey.
"Wm. Hooker	Wm. of Occam	

"POLITICIANS.

The friendly testimony of Evelyn is not, however, the only contemporary circumstantial evidence to be adduced in refutation of Lord Dartmouth's charge on this subject. Bishop Burnet, whose political opinions were opposed to those of Lord Clarendon, and whose private feelings were in no way engaged in his favour, thus speaks of the manner in which he exercised his power:—"He was," says he, "a good chancellor, only "a little too rough, *but impartial in the administration* "*of justice.*"[1] . . . "The Lord Clarendon *put the justice* "*of the nation in very good hands.*"[2] That Lord Clarendon scorned to accept the money which the corrupt practices of that age induced a foreign minister to offer, was shown by the indignation with which he repelled the insulting proposal of Fouquet[3] to seal an alliance

"POLITICIANS.

"Sir Fra. Walsingham	Cardinal Wolsey
"Earl of Leicester	Sir T. Smith
"Sir W. Raleigh	Card. Pole.

"SOLDIERS.

"Sir Fra. Drake	Earl of Essex
"Sir J. Hawkins	Talbot
"Sir Martin Frobisher	Sir F. Greville
"Thos. Cavendish	Hor. Earl of Oxford.
"Sir Ph. Sidney	

"Some of which, though difficult to procure originals of, yet haply "copies might be found out upon diligent inquiry. The rest, I think, "your Lordship has already in good proportion."—Evelyn's 'Memoirs,' vol. ii. p. 307.

[1] Burnet's 'History of his Own Times,' vol. i. p. 161.

[2] Ibid., p. 300.

[3] His answer to Fouquet was, "that he would lay all that related to "the King faithfully before him, and give him his answer in a little

between France and England by a present to himself of 10,000*l.*, to be yearly renewed: nor did he less disdain to court the favour of the King by any base compliance with his dissolute habits. "The Earls of Clarendon "and Southampton would never," says Bishop Burnet, "so much as make a visit to any of them,[1] which was "maintaining the decencies of virtue in a very solemn "manner."[2] "Lord Clarendon would never make "application to Mistress Palmer, or let anything pass "the seal in which she was named, as the Earl of "Southampton would never suffer her name to be in "the Treasury books. Those virtuous ministers thought "it became them to let the world see that they did not "comply with the King in his vices."[3] The tribute to his general worth is thus expressed by Bishop Burnet: —"His fall seemed to show how little princes are "sensible of merit or great services—that they sacrifice "their best servants not only when their affairs seem to "require it, but to gratify the humour of a mistress or "the passion of a rising favourite."[4] There is yet an-

"time; but for what related to himself, he said he served a great and "bountiful master, who knew well how to support and reward his ser- "vants; he would ever serve him faithfully; and because he knew he "must serve those from whom he accepted the hire, therefore he rejected "the offer with great indignation."—Burnet's 'History,' vol. i. p. 825.

[1] Alluding to the King's mistresses.

[2] History of his Own Times, vol. i. p. 209.

[3] Ibid., p. 281.

[4] Ibid., p. 446. This view of the real instruments of Lord Clarendon's fall is repeated by Evelyn. Evelyn's friendship continued with the Chancellor up to the time of his quitting England. The prejudice against him on account of his having proposed the marriage with the

other fact which cannot be overlooked in detailing contemporary circumstantial evidence on this point, viz., the character of Lord Clarendon's dearest friends and most intimate associates; and the question will naturally arise, would highminded men and incorruptible ministers like Lord Southampton and the Duke of Ormond have lived on terms of daily intimacy and uninterrupted friendship with one whose very hospitality could not be

Infanta, to favour the chance of his own grandchildren succeeding, was doubly unjust: first, because the idea of the Portuguese alliance was not originated by him; and next, because there could be no well-grounded reason for supposing that a person in the prime of youth and in the full enjoyment of good health was likely to be childless. Moreover, the hopes that she would give an heir to the throne bid fair, soon after her marriage, to be realized, though, unhappily for herself and the country, they were prematurely extinguished. Evelyn's allusion to Lord Clarendon's unpopularity on account of the supposed neglect of the Royalist party shows that in his own time the reproach under which he fell was in the opposite direction to that of party bigotry, for which in later times he has been censured:—

"After dinner I walked to survey the sad demolition of Clarendon "House, that costly and only sumptuous palace of the late Lord Chan- "cellor Hyde, where I have often been so cheerful with him, and some- "times so sad: happening to make him a visit but the day before he "fled from the angry Parliament, accusing him of maladministration, "and being envious at his grandeur, who from a private lawyer came to "be father-in-law to the Duke of York, and, as some would suggest, "designing his Majesty's marriage with the Infanta of Portugal, not apt "to breed: to this they imputed much of our unhappiness, and that he, "being sole minister and favourite at his Majesty's restoration, neglected "to gratify the King's suffering party, preferring those who were the cause "of our troubles. But perhaps, as many of these things were injuriously "laid to his charge, so he kept the government far steadier than it has "proved since. I could name some who I think contributed greatly to "his ruin, the buffoons and the *misses*, to whom he was an eyesore."—Mem. of J. Evelyn, vol. iii. pp. 95, 96.

enjoyed without shocking their sense of purity and justice by the sight of every object that surrounded them?

The love of art has in all times been honoured as the taste of a refined and cultivated mind. To that taste Lord Clarendon joined in a remarkable degree admiration and respect for distinguished men, and a peculiar tenderness for those to whom he gave his friendship. To the cultivation and enjoyment of those feelings he consecrated his gallery of portraits; and whatever judgment even-handed justice or party bias may pass on Lord Clarendon's policy and character, a single note, written in a style at once vague and hostile, cannot be allowed to cast the stain of corruption on the exercise of these feelings. It is but from time to time that tastes so worthy of imitation are combined with wealth and opportunity for their indulgence. Portraits of companions and friends gathered round the walls of those rooms where perhaps, when living, they have sat in friendly intercourse and serious debate, fill the mind with associations that read a lesson to the heart. A gallery thus formed, that includes many of the most distinguished men of the period, acquires in time a value in the country independent of the pleasure it may have afforded the individual who collected it; and it is to be hoped that in after ages the collection of a late distinguished minister, who is said to have delighted not only in collecting pictures as works of art, but also in surrounding himself with the portraits of the friends and colleagues with whom he had associated and laboured,

may meet with the respect due to his taste, without incurring the reproach two hundred years hence of their being the price of advancement in his sovereign's favour.

The 'Historical Inquiries' treats on many other points of Lord Clarendon's conduct and character; but as it was only the "circumstantial evidence" that these portraits were deemed to afford in support of Lord Dartmouth's charge that gave the discussion a place in this preface, it will be needless to enter further on a subject so large and so intricate as the misrepresentations of Lord Clarendon's political enemies and the panegyrics of his political admirers.[1]

On the demolition of Clarendon House the pictures were removed to the family residence in the country, Cornbury House, Oxfordshire.[2] On the death of the

[1] It is to be regretted that the writer of the 'Historical Inquiries' did not make himself personally acquainted with the collection of pictures which remain from the Clarendon Gallery, or had not applied to the family for such information as would have spared many errors into which he has involuntarily fallen, both with respect to the artists and to the collection itself, and which doubtless none would have regretted more than the accomplished author of a work which could have no other object than the laudable desire to clear away mistaken impressions and establish historical truth. The account contained in this Introduction, derived from family documents, will show the manner in which the collection descended to its present owners, and correct many inaccuracies which are unimportant to any other fact than that to which the author of 'Historical Inquiries' expressed his wish to point, viz. "that the collection remains *as it was*:"—not only has it received certain additions of a later date than the period of the Chancellor quitting England, but also a legacy of twenty-one pictures, including some of the royal family, a bequest which was made to Lord Hyde by Mrs. Mary Shaw, daughter of the Chancellor's faithful private secretary, who accompanied him in his banishment.

[2] Sold by Lord Cornbury to the Duke of Marlborough, 1751.

Chancellor, Henry Lord Cornbury succeeded to the title and property of his father, but his habits of extravagance involved him in pecuniary difficulties.[1] Executions were put into the house, and by the following lists it would seem that all the pictures there mentioned had been sacrificed to the creditors:—

"*A Schedule of the Goods and Chattels bargained and sold by the Bill of Sale hereunto annexed.*

(Extract.)

13 In the great parlour, twelve Judges' pictures, and Sir Geoffrey Palmer's.
4 In the drawing-room, four pictures.
2 In my Lord's bedchamber, two pictures.
1 In my Lord Cornbury's chamber, one landscape over the chimney.
5 In the King's chamber, five pictures.
8 In the room next the King's chamber, eight pictures; five are at length.
1 In the room next the bowling-green, one picture over the chimney.
13 In the dining-room, thirteen pictures, whereof nine are at length.
9 In the room next the room looking into the chapel, nine pictures, whereof three are at length.
1 In the room looking into the chapel, one picture.
1 In the garrets, one large landscape.

58, whereof seventeen are at length.

At the suit of John Taylor, gentleman, for 1200*l.* debt.

[1] "The Earl of Clarendon is a man naturally sincere, except in the "payment of his debts, in which he had a particular art, upon his breaking "of his promise, which he does very often, to have a plausible excuse and "a new promise ever ready at hand, in which he has run longer than one "could think possible. He is a friendly and good-natured man."—Burnet's History of his Own Times, vol. i. p. 446.

In the receipt is acknowledged, by Thomas Engham, of the Inner Temple, London, Esq., nine pictures, &c., being in the room next the dining-room.

1350 books, being in folio.

5000 books, being quartos and twelves.

20 pictures, being in library of the said house, called Cornbury House. All which said pictures, books, and goods, were the goods and chattels of the said Henry Earl of Clarendon, and seized and taken in execution by the said sheriff, by virtue of a writ *fieri facias* to the said sheriff, &c.

At the suit of William Fallman, Esq., for 800*l.* debt, A.D. 1694, 26th July, 6 William and Mary."

It is more than probable, from the large collection of portraits that remained after this date at Cornbury, that many must have been bought in again by some of the family;[1] but such executions may easily account

[1] It appears in the catalogue made in 1750 that the portraits of Sir G. Palmer and the twelve Judges were still at Cornbury, which makes it the more probable that some were bought in; but that others were parted with, either in consequence of those executions or of some subsequent sale, is clearly shown by the following extract from a catalogue of pictures in the possession of the Right Hon. Sir George Clerk:—

Original Pictures at Penicuick, from a Catalogue made by Sir John Clerk, great-great-grandfather of the present Sir George Clerk, 1724.

"A large picture representing a man with a copper, a goat, ass, dogs, "pheasants, &c., by Jordaens, and belonged to the Earl of Clarendon, the "historian, and was valued at 50*l.*, and cost me 15*l.*

"Mary Magdalene, by Rubens: it belonged to the Earl of Clarendon; "cost me 10 guineas, but reckoned worth 20*l.*

"A young girl, by Rembrandt, being a picture which belonged to the "Earl of Clarendon.

"A full-length picture of a lady, by Vandyke, the hands exceeding "fine: it belonged to the Earl of Clarendon. This lady is in a pink "robe: she is said to be a lady of the Coningsby family—a beauty."

for the fact that pictures mentioned by Evelyn were no longer in the collection when, in the year 1750, a catalogue was made previous to the sale of the whole estate and mansion to the Duke of Marlborough. By an arrangement between the two brothers, Henry Earl of Clarendon and Lawrence Earl of Rochester, Cornbury became the property of the latter during the lifetime of his eldest brother. Lord Rochester speaks, in his will dated July 27th, 1697, of the purchase he had lately made from his "dear brother, the Earl of Clarendon, "of the manor of Witney, as likewise of the house and "park of Cornbury, &c. &c., which," he adds, "his "circumstances indispensably obliged him to part with, "and mine very hardly permitted me to comply "with."[1] It appears that, from the false pride of the one and the considerate delicacy of the other, this purchase remained a secret till Henry Lord Clarendon's death in 1709. But in a paper written in Lord Rochester's own hand, intended, as he says, to accompany his will, he details to his family the motives that induced him to become the purchaser of Cornbury House and park, together with other property in Oxfordshire.[2]

[1] Unpublished MS.

[2] He had lent his brother 5000*l.* upon his bond in the year 1685. For eleven years he had in vain attempted to get any real security for either the principal or interest due upon this loan, and he was uneasy at the prospect of so considerable a sum being lost to his children, together, as he says, with the wish "to do all the service he could to preserve the repu-"tation of his brother, that was extremely sunk by the great debts he

Certain estates had been bought by their father the Chancellor, on account of their contiguity to Cornbury,[1] and Lord Rochester now consented to make this purchase, on condition of becoming also the purchaser of Cornbury House and Park. Lord Clarendon was at first unwilling to make this (to him) inevitable sacrifice, "having," as Lord Rochester says, "a certain kind of "fondness to remain in appearance the master of Corn-"bury; but on the promise that the sale of Cornbury "should be entirely a secret, that he should appear to "be still the master of it, and that, if I should act any-"thing there, in making improvements in the park or "otherwise, it should be so managed that it should look "as if done by his direction and appointment, he "consented to make an absolute sale of all the fore-"mentioned particulars in the county of Oxford."[2] The will to which this paper is appended, in order to

"had contracted, to conceal for some time the infinite incumbrances and "difficulties he was under to preserve those remnants of their father's "estate from falling into the hands of perfect strangers, and perhaps "enemies to their name and family, he consented, after a very long and "pressing solicitation, to take upon him the burden of Witney, which had "been mortgaged to gentlemen who pressed to be put in possession of the "said estate, and would no longer have patience."—Unpublished MS.

[1] Witney and other adjacent manors.

[2] Lord Rochester adds, "for which I immediately became liable to pay "the sum of 9810*l.* for Witney, 7500*l.* for Cornbury, and 375*l.* for a year's "interest;* so that, to do my brother this kindness, and to secure myself "the debt mentioned as due to me from my brother,† I engaged myself to "pay interest for 16,500*l.*"

* Due from Lord Clarendon on Witney. † 5000*l.*

explain the motives that induced him to purchase Cornbury, was signed, sealed, and witnessed July 23, 1697, but afterwards cancelled, and Lord Rochester died intestate fourteen years afterwards, 1711. There is nothing specified in the will or the paper respecting the purchase of the pictures; but in proof that he had acquired legal possession of the whole collection, together with the books and MSS. at Cornbury, it seems they not only remained there from the time of its purchase, and were in some degree augmented, but that no creditor either of Henry Earl of Clarendon or of his son Edward (who died in 1723) ever pretended to claim a right to these pictures. No general administration[1] appears to have been granted of Henry Lord Clarendon's effects to any one; it is believed he left no personal estate of his own, and died insolvent. By the fortunate circumstance of the Earl of Rochester having become the possessor of Cornbury, the pictures were saved from the danger of afterwards falling into the hands of Lord Clarendon's eldest son, who on his father's death succeeded to the title.

Edward Hyde, third Earl of Clarendon, presents one of those melancholy instances which too often occur amongst the descendants of distinguished men, where the name, the honours, and the title are reproduced, but unsupported and ungraced by any one of those qualities

[1] Limited administration appears to have been granted to different persons, with respect to his interest as a trustee for the benefit of younger children in a certain marriage settlement.

or virtues which won distinction for their ancestor. His conduct through life was a blot upon his name, and brought down upon him the scorn and reproach of two hemispheres. His character and government of New York has been thus described by an able American historian:—

"Lord Cornbury, destitute of the virtues of the "aristocracy, illustrated the worst form of its arrogance. ". . . . At about forty years of age, with self-will and "the pride of rank for his counsellors, without fixed "principles, without perception of political truth, he "stood among the plebeians of New Jersey and the "mixed people of New York as their governor."[1]

The tradition of his character, conduct, and habits, is thus related by another modern historian of the North American provinces:—

"Whether from real difference in the sentiment, or "from a policy which in those days was not uncom- "mon, while his father had adhered to the cause of "James II., the son supported the pretensions of King "William, and was one of the first officers who deserted "with his troop to the enterprise which produced the "British revolution. . . . . He obtained, by one of the "last acts of his royal patron's administration, the "government of New York as a reward for his services. "This appointment was confirmed by his kinswoman, "Queen Anne, who added to it the government of

[1] Bancroft's 'History of the United States,' vol. iii. p. 60.

"New Jersey, which had been recently surrendered by "its proprietors to the Crown."

* * * * *

"The dissolute habits and ignoble tastes and manners "of the man completed and embittered the disgust with "which he was now universally regarded; and when "he affronted public decency by rambling abroad in "the dress of a woman,[1] the people beheld with indig- "nation and shame the representative of their sovereign "and the ruler of their country.

"In the year 1708 Queen Anne was at last com- "pelled, by reiterated complaints, to supersede his "commission, and appoint Lord Lovelace his successor. "No sooner was he deprived of command than he was "thrown into prison by his creditors, and there re- "mained a prisoner for debt till the death of his father "entitled him to be liberated as a peer."[2]

Such was the unworthy grandson of Edward Lord Clarendon and Arthur Lord Capell.[3] He died in obscurity at a house in Chelsea, March 31, 1723, and

[1] In this strange costume he has been actually painted, and his portrait, thus disguised, is in the possession of Sir John Pakington, of Westwood, co. Worcester. It is much to be regretted that no account of this picture, either as to the artist, or the country in which it was painted, or the manner in which it came to that house, is known by the present owner.

[2] Grahame's 'History of the United States,' vol. ii. pp. 247-251.

[3] Henry, second Earl of Clarendon, married Theodosia, daughter of Arthur Lord Capell; she was mother to Edward, third Earl of Clarendon.

was buried in Westminster Abbey. Mr. Joseph Radcliffe[1] was appointed one of his executors, and into his hands a portion of the MSS. passed from the possession of the family. Lord Clarendon had perhaps given the MSS. to Mr. Radcliffe during his lifetime, for they were not left to him by will;[2] and after Mr. Radcliffe's death these papers were purchased from his executors by the trustees of Dr. Radcliffe, and by them presented to the University of Oxford.

Judging by the little regard shown by this Lord Clarendon for the valuable MSS. belonging to his father and his grandfather which he had in his possession, it must be considered as a fortunate circumstance that he did not possess the pictures also, in which case their existence as a collection would have speedily ceased.[3]

On the death of Edward, third Earl of Clarendon, in 1723, the title passed to his first-cousin,[4] Henry, who thus united in his person the titles of Clarendon and Rochester.

After much wasteful mismanagement of his estates, it became clear to his family and friends that he was so wholly unfit to conduct his own affairs properly, that for

[1] Of Lyon's Inn, gent.; Lady Frances Keightley (his aunt), and Thomas Chiffinch, of Northfleet, were the other executors. See below, p. 69*.

[2] The fate of these manuscripts is more fully explained below, p. 73*.

[3] Dr. Douglas, Bishop of Salisbury, first gave to the world the MSS. that were in possession of Richard Powney, Esq.

[4] He survived his son, who died February 12, 1712-13; his only remaining child, Theodosia, married John Bligh, Esq.

the preservation of the property, for the welfare of his children, and for his own happiness, it was desirable his son should act in his stead.[1] To give effect to this resolution, Lord Cornbury was put in as complete possession of his father's estates as if they had already devolved upon him by inheritance. For this purpose a deed poll was executed, November 18, 1749, between Henry Earl of Clarendon and his son Henry Viscount Cornbury, by which all property was transferred to the latter, with full power to make marriage settlements and any testamentary bequest he thought fit, without reference to his father's continued existence.[2] The year following the execution of this deed poll, Lord Cornbury, finding the debts by which he became encumbered demanded the sacrifice of Cornbury House, determined on selling it; and an agreement was concluded with the Duke of Marlborough, by which he became the purchaser of the whole estate. This was a great sacrifice, and felt to be so both by Lord Clarendon[3]

[1] Lord Clarendon seems to have been a very willing party to the execution of a deed poll and other arrangements of property. His letters to his son are full of tenderness and affectionate expressions of gratitude for the dutiful care and attention he uniformly received at his hands.

[2] An annuity of 2000*l.*, arising from the profits of the General Post Office, was reserved for the exclusive use of the Earl of Clarendon. This sum was the moiety of the annuity of 4000*l.* given by James II. to Lawrence Earl of Rochester.

[3] Lord Clarendon writes thus to his son, August 22, 1751:—"I wish "Cornbury House could have been kept for you to enjoy, but as matters "were I think you have taken a prudent course, and am glad you have got "through it. It is a fine and pleasant thing to be out of debt; but as I

and Lord Cornbury.[1] Nor was it the only one contemplated by Lord Cornbury, from the honourable wish to pay the debts he had now taken upon himself. He had even determined on selling great part of the pictures;[2] fortunately, it afterwards proved unnecessary to make this further sacrifice, and they remained in cases at Cornbury House, labelled with Lord Hyde's name, and sealed with his own seal, to mark their being his property.[3] Lord Clarendon expressed his satisfaction with his son's intention to keep the pictures, and also with the arrangement to which the Duke of Marlborough acceded.[4]

Nothing could more distinctly show that Lord Clarendon considered the pictures to be then the property of his son, and that his son believed them to be his own; and of this belief the will and codicils made by Lord Hyde afforded the most conclusive evidence. To

" told you before, you may comfort yourself with the thoughts that it has " not been your fault."—Unpublished MS.

[1] Lord Cornbury was called up to the House of Lords by the title of Baron Hyde.

[2] For that purpose they were inventoried and appraised.

[3] The Duke of Marlborough gave permission for these cases, containing pictures, MSS., and books, to remain at Cornbury House.

[4] " My dear Son—I received your letter of the 7th of September (N.S.); " it was very agreeable and very welcome to me. I thank you very kindly " for it, and for communicating to me what you had done, and what you " propose to do with yourself. *I am glad you have preserved the pictures,* " *for they may be of handsome furniture for you.* Your intended journey " is well and discreetly designed, and will, I hope, refresh your mind after " all its terrible anxieties, and confirm your health by the blessing of God " for many years."—MS. unpublished.

Lady Charlotte Capell, as the eldest daughter of his eldest sister (deceased), Jane Countess of Essex, were bequeathed all his estates real and personal. The disposal of the pictures, books, and plate formed the subject of one codicil, the disposal of the MSS. of another. These were dated August 11, 1751. The pictures, plate, and books were left as heirlooms,[1] so far as the law will admit, to the person who for the time being should be in possession of the estate, and a sum not exceeding 10,000*l.* was to be laid out in the purchase of a mansion-house in London, built for duration, convenient and handsome, and large enough to contain the library and the pictures entailed with the estates. The drafts of the will and codicils were carefully drawn up by a lawyer, and read to Lord Clarendon, who entirely approved of them. They were then left with him, that he might have time to consider them by himself, and no alteration appears to have been suggested.

On the 30th March, 1752, Lady Charlotte Capell

[1] There were a few legacies of pictures as exceptions:—"The Head of "a Saint, said to be painted by Vandyck, to the Duke of Queensbury; to "my nephew Charles Douglas, the picture of his mother, by Vanloo; to "the Hon. Mr. Thomas Villiers" (not then married), "brother to the Earl "of Jersey, one of my whole-length pictures of George Villiers, Duke of "Buckingham, part of the Cornbury collection, which of the two he shall "choose.

"To the Hon. Mr. Murray, his Majesty's Solicitor-General, my four "pictures of the Muses, painted by Rosalba; to Lord Foley, my two Fruit "and Flower Pieces, by Snyers."

was married to the Hon. Thomas Villiers.[1] In the month of May, 1753, Lord Hyde was killed by a fall from his horse at Paris.[2] His surviving sister, Catherine Duchess of Queensberry, was much offended at her brother's disposition of his property, and determined to dispute the validity of the deed poll, and consequently his power of bequeathing the property that had been transferred to him by his father. In November, 1753, Lord Clarendon died. The Duchess of Queensberry became administratrix to her father's affairs. A Chancery suit was instituted by the Duke and Duchess of Queensberry, in order to set aside the whole effect of the deed poll. This suit lasted till 1763. They entirely failed in shaking the validity of the deed poll or any part of the will or codicils that related to the real estates. But however clear the intention might appear to be respecting the personalty, legal evidence

[1] Mr. Villiers was a friend of Lord Hyde's, and had been mentioned in his will, and named as one of his executors, some time before there had been any question of his marriage with Lady Charlotte Capell. He was created Baron Hyde of Hindon in 1756, and Earl of Clarendon in 1776.

[2] The author of 'Historical Inquiries' has fallen into a strange error respecting the cause of Lord Hyde's death:—"He is believed," says he, "to have died by suicide at Paris on the 23rd of May, 1753, though the "complaisant 'Peerages' say that his death was occasioned by a fall from "his horse." The 'Peerages' are perfectly correct in their statement, and a reference to family papers might have easily satisfied any doubts on the subject. A full account of the accident was written home by Lord Albemarle, then ambassador at Paris; and the post-mortem examination of several physicians and surgeons in the possession of the Earl of Clarendon could leave no room for any such suspicion.

was wanting to prove the deed of gift, and the Court declared that the pictures, books, plate, and MSS. did not pass by the same deed poll as the real estates had done, and consequently that they were the property not of Lord Hyde, but of Henry Earl of Clarendon and Rochester, at his death; and it was further declared "that the sum of 10,000*l.* ought not therefore to be "laid out in the purchase of a mansion-house in "London, to contain the same library, books, and "pictures." The Duchess of Queensberry had been in no way influenced by the clearly expressed wishes and intentions of both her father and her brother, and the legal distribution was made of the personalty to the next of kin of Lord Clarendon, giving one half to the only living representatives of his eldest daughter (long deceased), Jane Countess of Essex, and the other half to Catherine Duchess of Queensberry, as his only other surviving child.[1] The object of Lord Hyde's will, in making heirlooms of these things, and of purchasing a house that might have preserved unbroken the collection of pictures and books, was at once defeated. The younger daughter of Lady Essex (Lady Mary Forbes) appears to have respected the feelings of her uncle and grandfather, and not to have accepted the partition of the half that was assigned to her with her sister, as the co-representatives of their mother, and that portion of the pic-

[1] Though the Court of Chancery thus assigned the personalty to the next of kin to Henry Earl of Clarendon and Rochester, they being all females and married, the property belonged at once to their respective husbands.

tures have remained undisturbed ever since at the Grove Park, Herts. The half assigned to the Duchess of Queensberry was sent to their country seat, Amesbury Park, Wilts, and has undergone other changes of place.

The Duchess of Queensberry died in July, 1778;[1] there is no reason to suppose, from the Duke's disposal of this property, that she desired even a tardy fulfilment of her brother's wishes to preserve the pictures, books, &c., in one collection. The Duke died October 22, 1778. It had been their misfortune to outlive all their children, and the title of Queensberry descended to his cousin, William, third Earl of March and Ruglin, and the pictures at Amesbury were made heirlooms by his will. "The mansion-house at "Amesbury, and all *except the pictures*, he bequeathed "to the Earl of March and Ruglin; these pictures "(both oil and paintings in water-colour) to descend as "heirlooms so long as the law will admit." In the year 1786 they were moved from Amesbury to the Duke of Queensberry's residence at Richmond, and are thus noticed by Horace Walpole in a letter to Lady Ossory. "I went yesterday to see the Duke of Queensberry's "palace at Richmond,[2] under the conduct of George

[1] The Duchess of Queensberry does not appear to have made any will; none at least is to be found in the Prerogative Court.

[2] Horace Walpole again mentions this palace in a letter addressed to Miss Agnes Berry, dated November 29, 1790; he speaks of "the Prince and "Mrs. Fitzherbert coming there to dine with the Duke of Queensbury, on "the very spot where lived Charles I., and where are the portraits of his "principal courtiers from Cornbury."—Vol. vi. p. 382.

"Selwyn, the concierge. You must imagine how nobly "it looks, now the Amesbury Gallery are hung up "there. The great hall, the great gallery, the eating-"room, and the corridor are covered with whole and "half lengths of royal family, favourites, ministers, "peers, and judges, of the reign of Charles I.,—not one "original I think; at least not one fine;[1] yet alto-"gether they look very respectable." In the year 1810 William, fourth Duke of Queensberry, died, and the Wiltshire property passed, by a settlement executed by Charles, third Duke of Queensberry, to Archibald James Edward, first Baron Douglas, son of Sir John Stewart (afterwards Douglas)[2] and his wife the Lady Jane Douglas.

The pictures, as heirlooms, became the property of Lord Douglas, and were transferred to Bothwell Castle, his seat in Scotland, where they have since remained in the successive possession of Lord Douglas and his three sons, who have enjoyed the title and estates. Such is

[1] In this criticism Horace Walpole was certainly mistaken; but though made from an imperfect knowledge or hasty observation of the pictures, it also tends to bear out the fact stated before, that the Chancellor's collection, though very extensive, was neither to be judged nor misjudged on the ground of its costly value in original works. If the pictures that formed the Queensberry portion are less to be admired for their excellence than those contained in the other half of the gallery, it can only be attributed to the want of discrimination and taste in the Duchess of Queensberry, to whom, with greater courtesy than might perhaps have been expected under existing circumstances, Mr. Villiers, then Lord Hyde, gave the power of selection.

[2] Vide Sharpe's 'Peerage.'—This Lord Douglas was the subject of the celebrated trial known as "the Douglas cause."

the history of a collection of portraits which circumstances have invested with an interest to which as a private gallery or family portraits they could never pretend. Their original selection was illustrative of the characteristic tastes of their collector; in later times their possession has been made the subject of reflection upon his conduct; their diminution, partition, and the final separation of one-half of the residue from all connection with his descendants, afford a striking example of the vicissitudes of human possessions.

The constant presence of the images of remarkable persons naturally begets a desire to be well acquainted with their character, their actions, their triumphs, and their trials. Such was the origin of the present work. The meagre notices contained in biographical dictionaries and other works written on too comprehensive a scale to admit of more than a brief or imperfect recital of a few passages in each life, suggested the idea of tracing from contemporary works, Parliamentary Journals, and all other sources of authentic information, a more complete and detailed account of the career of those whose portraits had become familiar.

But to describe the actions of those who, by counsel or by conduct, have influenced the affairs of state, the opinions of the Court, or the fortunes of the field, is unavoidably to enlarge biography into history. To

understand the value of such actions, to appreciate the merits or the defects of particular counsels, to form a just estimate of the difficulties encountered, and to guard against the danger of misconstruing motives from imperfect information, it is absolutely necessary to learn all the circumstances which accompanied, or, perhaps, even preceded, the events to be described.

So intimately connected indeed are the subjects of biography and history, that, whilst the French wisely indite 'Memoirs to furnish Assistance to History,'[1] it may be said that, for the right understanding of the lives of men who have moved in the stirring events of the world, history is needed to furnish assistance to memoirs. There is always something cold and unreal in a history when the personal character of those who took part in its course is unknown or undescribed; and on the other hand, the biography that leaves untouched or unexplained the historical circumstances by which its subject was surrounded, fails to give any just idea of his position or conduct. A perfect acquaintance with historical personages, as well as with the historical events to which they contributed, gives at once to the chronicles of the past a tinge of the more glowing interest which belongs to those scenes in which friends and contemporaries have played a part. But a biography that faithfully portrays a person's character, disposition, and principles, and is silent on the events of general importance in which he was called upon to take his share, is

[1] Mémoires pour servir à l'Histoire.

to put the key into the reader's hands by which a cipher might be explained, yet withholding the writing itself. If history may be considered as a true narration of the aggregate actions of many men, and biography of the individual actions of one, it is clear that the materials of biography and history must often coincide; and as, in order to understand how a complicated machine is constructed, it is necessary to begin by taking it to pieces, and thus to learn how wheel within wheel has acted and been brought to contribute its separate power to the general combination by which the greater movement was effected, the task of the biographer may, if faithfully performed, render essential service to the understanding of history.

A well-composed history of a great nation will ever be honoured as a monument of human skill and industry; but while the historian takes the general view of the entire province, the biographer tracks its single paths, and, though deficient in the national importance of history, the work of the latter has the interest which belongs to personal adventure and personal feeling.

To comprehend the part assigned to any one actor in the great drama of history, the reader must bring to mind not only the particular scenes in which he was called upon to perform, but all those other scenes and other characters, without which his part would have had neither shape, nor form, nor purpose.

The more a man has been distinguished above his fellows, the more intimately is he likely to bind their

destinies in his; the more stirring are the times in which he lives, the more dependent must he be upon the confidence he can inspire in others: and as it is this principle of mutual dependence which binds together the social system of civilised communities, it is as impossible for any one to isolate himself from others in the conduct of affairs during life, as it is afterwards found to separate his personal biography from the history of his times. The power of selection from so large a field of knowledge on one hand, and of obtaining or gathering together sufficient information on the other, constitutes the main difficulty in a work of this kind; above all things it is necessary to preserve as much as possible the chain of personal narrative through the mazes of general history, to accompany the subject of each biography into those scenes in which he is known to have appeared, to tread with him the path he trod, to view with him the prospects he viewed, to share with him the dangers he braved and the triumphs he enjoyed, to become familiar with the knowledge he possessed, and to forget in judging of his judgment those secrets which time has since laid bare for the later instruction of mankind.

The fulfilment of such a task needs patience and research, but can lay no claim to originality, still less, it is to be hoped, to invention. All that can be told of historical characters with truth must have been already said; old MSS. newly read, or books long written more carefully examined, may bring to light that which

was generally unknown, or correct erroneous versions of past events; but new facts belong to the present time, and the best title a biographer can claim for attention or credence is that of a faithful collector and transcriber of the testimony of others.

In treating of the lives of those whose fortunes were interwoven with the civil wars, the truth of Lord Bacon's remark, "that there is no great action but "hath some good pen to attend it," is forcibly brought to mind by the writings of Lord Clarendon; and the 'History of his Life' affords another happy illustration of Lord Bacon's description of the advantages of biography. "Lives," says he, "if they be well written, "propounding to themselves a person to represent in "whom actions, both greater and smaller, public "and private, have a commixture, must of necessity "contain a true, native, and lively representation." From the writings of that "good pen" "a true and "lively representation" of many lives, besides his autobiography, has been transmitted, and much has been recorded of those times that but for him would have been lost. His works will remain amongst the most valued stores, on which to draw for information, though with some reserve as to opinions formed under too strong a bias of party and personal feelings to command the implicit assent of posterity. In defence of his integrity as a writer of history, Lord Grenville thus well described the natural influence of contemporaneous events upon the mind of one engaged in the affairs of

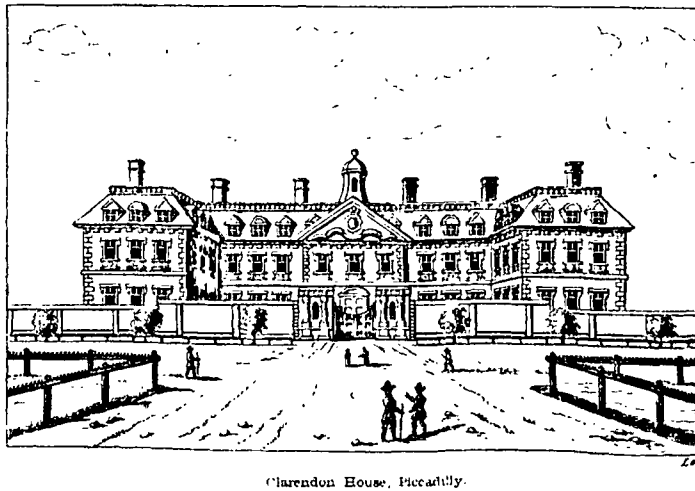
which he writes:—"When a statesman traces, for the "instruction of posterity, the living images of the men "and manners of his time, the passions by which he has "himself been agitated, and the revolutions in which his "own life and fortunes were involved, the picture will "doubtless retain a strong impression of the mind, the "character, and the opinions of its author. But there "will always be a wide interval between the bias of "sincere conviction and the dishonesty of intentional "misrepresentation."[1]

Lord Clarendon has been thought guilty of painting in too glowing colours the virtues and merits of his friends; yet his praise is always discriminating, not mere panegyric.

The necessity of gathering information respecting particular persons from his works alone, because no other accounts of them are extant, may perhaps lead the modern reader to feel for their characters an admiration too little tempered with blame; it must, however, be remembered that it was the hand of a contemporary that shrouded their faults from view. An attempt to tear away the veil that friendship has thrown over errors and imperfections, and to supply them from the writer's imagination, would now be a task as unavailing as unpleasing.

[1] Lord Grenville adds to this passage, "Clarendon was unquestionably a lover of truth and a sincere friend to the free constitution of his country." —Preface to 'The Earl of Chatham's Letters to his Nephew.'

Biography can only recount what is known, or has been said. A scrupulous and praiseworthy research for accurate knowledge, or possibly even a less worthy motive, the love of detraction, might inspire the wish to bring to light every hidden failing of disposition or fault in conduct in historical characters; but, if such have been concealed at the time, or been left unrecorded, whether from kindness or from policy, nothing will be added by mere conjecture or invention to that truth which every reader of history should desire and seek.



Clarendon House, Piccadilly.

INTRODUCTION.

PART II.

LORD CHANCELLOR CLARENDON'S MANUSCRIPTS.

INTRODUCTION.

PART II.—THE CLARENDON MANUSCRIPTS.

Amongst the many irreparable evils that befell the property of the Chancellor Clarendon, from the pecuniary difficulties in which his eldest son and successor involved himself, and from the reckless character of his grandson, Edward, third Earl of Clarendon, was the dispersion of a large portion of his most valuable and interesting collection of MSS. This collection must have been unusually large; partly on account of the important correspondence in which he had been engaged with various persons from the time preceding the breaking out of the civil wars till that of his banishment; partly because, from his known purpose to write the history of that period, he had been furnished, by desire of Charles I. and by friends engaged in the royalist cause, with papers and information relating to the events of which he was not an eye-witness. These, together with his own voluminous compositions, must have made an immense accumulation of MSS., and there can be little doubt but that in their dispersion many have been lost. Besides the MSS. thus collected and written by the Chancellor, a further addition was made by the papers and correspondence of his two sons, Henry, second

Earl of Clarendon, and Lawrence Earl of Rochester; and as the titles and estates of the Chancellor and his two eldest sons finally devolved upon the descendants of the second son (the Earl of Rochester), in the ordinary course of events the MSS. would have descended with the pictures and other personalty to the heir of the family. Such, however, was not the case, and the publication of the letters and diary of Henry, second Earl of Clarendon, in the year 1763, with a preface by Dr. Douglas, afterwards Bishop of Salisbury, first explained the manner in which a portion of these MSS. had passed from the family. Henry Lord Clarendon, it appears, had incurred considerable obligations to a gentleman of the name of Bryan Richards, first-cousin to his second wife.[1] These obligations were never discharged; and, whether by way of repaying a debt or making a return for services only, his son Edward Earl of Clarendon thought fit to confer upon Mr. Bryan Richards a vast collection of papers belonging to his father, together with some thousands of letters formerly

[1] Mr. Bryan Richards is spoken of in Dr. Douglas's preface to the Clarendon Letters as Lady Clarendon's nephew, a mistake which is repeated in the 'Clarendon and Rochester Correspondence,' edited by Mr. Singer. A few years since a gentleman named Bryan Richards was employed in the Record Office at the Tower; and in a bookseller's catalogue, published 1837, Mr. Richards describes a MS. "as made for the use of Henry Hyde, "Viscount Cornbury, who was one of the co-trustees for the Queen "(Catherine of Portugal); it was given," he adds, "to my grandfather, "Bryan Richards, Esq., of Mattingley, co. Southampton, by the said "Viscount Cornbury, afterwards second Earl of Clarendon, who married "Lady Flower Backhouse, who was my grandfather's first-cousin."

belonging to the Chancellor Clarendon. In 1737 Mr. Richards appears to have sent a box full of these letters to Lord Cornbury,[1] and Bishop Douglas mentions that he had seen two letters from Lord Cornbury on the subject, addressed to Mr. Richards, expressing his surprise at the existence of such a collection out of the possession of the family, and at the same time acknowledging his obligations to him for having sent the box.[2]

But it was not Mr. Bryan Richards only that became the owner of a large portion of these valuable papers through the means of Edward Earl of Clarendon. It was through his means, directly or indirectly, that Mr. Joseph Radcliffe[3] also became possessed of another portion. Mr. Joseph Radcliffe, together with Lady Frances Keightley (Lord Clarendon's aunt), and Thomas Chiffinch, of Northfleet, were appointed by him executors to his will; and it was perhaps owing to this circumstance that after Mr. Joseph Radcliffe's death his executors found in his possession various MSS. from the Clarendon collection; at any rate they seem to have regarded them as part of his property. It is very possible that Lord Clarendon, when living, had made a gift of them to Mr. Joseph Radcliffe; but they

[1] Son of Henry, fourth Earl of Clarendon, and great-grandson to the Chancellor Clarendon.

[2] It seems uncertain, from the manner in which Bishop Douglas mentions this circumstance, whether Mr. Richards gave back to Lord Cornbury a box containing his great-grandfather's letters, or whether he only sent them to him for perusal.

[3] Of Lyon's Inn, gent.

were certainly not bequeathed to him by will,[1] nor is the fact of their having been a gift mentioned in the Preface to the second volume of the Clarendon State Papers, where the purchase from his executors is stated; it is only mentioned that he was one of the executors to Edward Earl of Clarendon. A large collection of Lawrence Earl of Rochester's papers, together with the originals of those letters to him from his brother, Henry Earl of Clarendon (of which the copies had been in Mr. Bryan Richards's hands), fell into the possession of "a lady," who is stated to have "inherited them from "persons very nearly connected with the noble family "of Hyde;"[2] but who "the lady" was does not appear in the Preface to the Correspondence, where she is thus mentioned, nor does it appear who were these persons that were nearly connected with the Hyde family from whom she inherited the MSS.—a silence which is to be regretted, as the clue is now wanting by which to trace the cause of this portion having strayed from so interesting a collection. Like those in Mr. Radcliffe's possession, they may have been a gift, but they were certainly not a bequest, as Lord Rochester died intestate; and if neither gift nor legacy, it is certain that Lord Rochester's papers, comprising his own private reflections, letters from his daughter, and his confidential correspondence with his brother, ought to have passed at his death, with other things, to his own son. Mr.

[1] The will has been examined to ascertain this fact.

[2] Preface to 'Correspondence of the Earls of Rochester and Clarendon.'

Guthrie, author of the 'History of England,' was another person who had become the possessor of some of the Clarendon MSS., but no account is given of the means through which he obtained them. Mr. William Man Godschall, of Aldbury, co. Surrey, had two hundred and twenty letters, all in the Chancellor Clarendon's own handwriting, consisting principally of his confidential correspondence with Sir Edward Nicholas from the years 1649 to 1657: these, being originals and not copies of his own letters, probably came to Mr. Godschall through the means of Sir Edward Nicholas's family. Lady Middleton was also the owner of fifty-four letters, which had passed between her husband's ancestor, Mr. Brodrick (afterwards Sir Allen), and the Chancellor Clarendon before the Restoration.

Thus much for the scattering of materials so valuable to history; and but for their subsequent reunion, many events on which they have thrown light would have remained comparatively obscure. The dispersion of papers, however, is never unaccompanied by loss or destruction, and it is greatly to be regretted that, when Lord Hyde bequeathed his great-grandfather's writings and papers to the University of Oxford, he had not been able to do so in their entire state, together with those of his grandfather and great-uncle, of whom he had become the representative.

It is to be feared that a further loss of valuable papers may have been sustained by the fire at the Earl of Rochester's house, New Park, Petersham, which

occurred on the 1st of October, 1721, being ten years after the death of his father (Lawrence).

The reuniting of the various portions that had survived the perils of fire and dispersion into a form which should render them available to the public was mainly the work of Dr. Douglas, Bishop of Salisbury. It was by his unwearied zeal, and at some personal expense, that he secured to the University of Oxford those stores which they were able to join with such as were presented to them also by the family. In 1757 Mr. Richards transferred to Richard Powney, LL.D., a collection of MSS., consisting of the copies of letters written by Henry second Earl of Clarendon, his Diaries for the years 1687, 88,[1] 89, and 90, and also some thousands of letters belonging to the Chancellor. The fact of these papers being in Mr. Powney's possession became known to Dr. Douglas, and in 1763 he obtained the power of publishing from them Henry Lord Clarendon's Letters and Diaries, with a short preface of his own. He was afterwards the means of securing all the Powney Papers being put into the hands of the University, as also of a purchase being effected by Dr. Radcliffe's trustees, from the executors of Mr. Joseph Radcliffe, of what are termed the Radcliffe Papers. He was himself the purchaser of the MSS. belonging to Dr. Guthrie, obtained from Lady Middleton the letters

[1] The Diary for 1688 was printed from a copy. Mr. Richards, of Wokington, lent the original MS. to one Mr. Carlton twenty years before, who never returned it.

in her possession, and gave both these collections to the University. He discovered that a portion of the MSS. parted with by Mr. Richards to Mr. Powney had been accidentally separated from the mass, and were in the possession of Mr. Richards's son; and these were then purchased also by Dr. Radcliffe's trustees, to be added to the accumulating stores of the University; it was through information furnished by him that Mr. Godschall's collection of original papers was discovered, and that his consent was obtained to give the use of them to the University. To these various contributions were added such papers as had remained in the possession of the Chancellor Clarendon's family; and in 1767 the first volume, in 1773 the second volume, and in 1786 the third volume of the 'Clarendon State Papers' were published.[1] For the publication, in 1826,

[1] The first and second volumes were edited by Richard Scrope, Magdalen College, Oxford; the third volume by Dr. Monkhouse.

A large number of unpublished MSS. still remain untouched in the repositories of the University. Dr. Monkhouse announces "a vast profusion of MSS. during the seven years after the Restoration, while Lord Clarendon guided the operation of the Cabinet;" "numerous documents in every department of business;" "applications from Cavaliers, claiming reward for old services, and from Covenanters praying forgiveness of old offences;" "accounts of public revenues and expenditure;" "articles about the settlement of Ireland and the regulation of the colonies;" "heads of bills depending in Parliament;" and "a variety of similar papers." Also there remains to be published "the correspondence of English ministers at foreign courts with Lord Clarendon during his administration, including letters from Lord Carlisle, from Henry Coventry, Sir Gilbert Talbot, Sir William Temple, Sir George Downing, Sir Richard Fanshawe, and Lord Sandwich; and from other public persons in various courts, with many of Lord Clarendon's letters written to them."

of Lord Rochester's papers in the possession of "a lady," the public was indebted to Mr. William Upcott.[1] In the preface to the second volume of the 'State Papers,' the Archbishop of York, Lord Mansfield, and the Bishop of Chester, are specified as Lord Hyde's trustees, and as having authority to give a power of selection of the papers to the editors. Lord Hyde's trustees could, however, only have acted by courtesy, as, the Court of Chancery having decided that the property of the Clarendon MSS. "had never "become vested in Lord Hyde, his bequest to Oxford "was void;" but the Duchess of Queensberry, Charlotte Lady Clarendon, and Lady Mary Forbes, as next akin to Henry Lord Clarendon and Rochester, in whom the property in the MSS. was declared to have resided, gave effect by gift to the wishes of their brother and uncle Lord Hyde, and framed the terms in which their gift was made upon those of his will, which were as follows:—

"I, Henry Lord Hyde, do publish and declare this "to be a codicil to my last will and testament. I "desire that all historical or other writings of my great-"grandfather, Edward Earl of Clarendon, and all "public papers, and all valuable letters or other "writings whatsoever, which shall be or ought to be in "my custody at the time of my death, may be given, "and I do hereby give and bequeath all such papers,

[1] It was edited by Samuel Weller Singer, F.S.A., and published in 1827.

" letters, or other writings, to the Right Reverend Dr. " Secker, now Lord Bishop of Oxford; to the Honour- " able Thomas Villiers, brother to the Earl of Jersey; " and to the Honourable Mr. William Murray, his " Majesty's Solicitor-General,—in trust for the Uni- " versity of Oxford. And I hereby desire the said " trustees to revise the said papers, and at a proper " time to cause to be printed and published such of " them as they the said trustees shall judge proper; " and then, or before if they judge proper, to lodge in " the Bodleian Library the original manuscripts of " such papers as they shall judge fit to be made public; " the advantage or profit whereof, arising from such " publication or sale of such papers so printed or pub- " lished, I desire may be given for the use of the Uni- " versity of Oxford, to be applied as a beginning for a " fund for supporting a manage or academy for riding " and other useful exercises in Oxford, if the University " shall approve, under proper restrictions, of such an " institution as they the said trustees shall propose to " that purpose, upon mature consideration and full " information from persons skilled in those matters in " foreign countries as well as in England; in which I " recommend to them to have chiefly in their view to " guard against such provision becoming a sinecure, " whether by fixing the profit to the master of such aca- " demy, to arise proportionably to the number of horses " he shall maintain for that purpose, or in such other " manner as they the said trustees shall judge proper."

When Lord Hyde parted with Cornbury House to the Duke of Marlborough, a catalogue of pictures, books, &c., was made, together with the following schedule of MSS., which formed the subject of a separate codicil to his will:—

"*Schedule of Manuscripts and Papers belonging to Lord Hyde.*

Five chests and boxes packed in matting, containing Manuscripts and Papers removed from Cornbury to the Countess of Essex's house at Cassiobury:—

1.—A brown hair trunk, containing the manuscript 'Life of Edward Earl of Clarendon,' in his own handwriting.

The manuscript continuation of the 'Life of Edward Earl of Clarendon,' or his Anecdotes after the Restoration, in his own handwriting.

A manuscript work of the Lord Chancellor Clarendon, in the handwriting of Mr. William Shaw, his secretary, entitled 'Religion and Policy,' together with several loose papers relating thereto, of all which there is no other copy extant.

[There is, among other papers, a list of the papers belonging to the Earl of Clarendon when he died abroad, in the handwriting of Mr. Shaw, in which this work is mentioned.]

Manuscript, fair copies, in three folios, bound in red leather, of 'The Paraphrases upon the Psalms;' by the Lord Chancellor Clarendon: since published in his Tracts.

Copy of a Dedication of 'The History of the Rebellion,' written, as has been always understood, by Lawrence Earl of Rochester, but not in his handwriting.

Two quires, in Lord Chancellor Clarendon's own handwriting.

A little book, bound in vellum, of 'Collections relating to the Succession of the Popes,' in Lord Chancellor Clarendon's own handwriting.

A manuscript book, in vellum, containing copies of letters from King Charles I. to his Queen, &c.

2.—A brown wainscot chest, containing letters, papers, and accounts of Lord Chancellor Clarendon and Lawrence Earl of Rochester.

3.—An old chest of Lord Chancellor Clarendon, containing letters and other papers of Lord Chancellor Clarendon.

4.—An old scrutoire of Lawrence Earl of Rochester, containing public papers of Lawrence Earl of Rochester.

5.—A small square deal box, removed from the library at Cornbury, containing papers.

A red leather box, containing copy of the manuscript 'Life of Edward Earl of Clarendon,' in one thick porte-feuille.

Copy of the manuscript continuation of the 'Life of Edward Earl of Clarendon,' first part, in a thin porte-feuille.

Copy of ditto, second part, in another thin porte-feuille."

It is to be presumed that all the contents of these boxes are now at Oxford. There is no reason to suppose that any were retained by the Duchess of Queensberry or Lady Mary Forbes, and there are none in the possession of the present Earl of Clarendon but a MS. copy, in Mr. Shaw's handwriting, of the first part of the 'Life of Edward Earl of Clarendon.' It may not, however, be uninteresting to give a list of the few MSS. now at the Grove to which any historical or literary interest could be attached.

Abstract of Lord Clarendon's Settlement, docketed "Abstract of my Father's Settlement."

Charles I.'s Vow, dated Oxford, April 13th, 1646, buried thirteen years under ground by Gilbert Sheldon.

King James's warrant for Lady Henrietta Hyde to be governess to his children.

A MS. paper, entitled "The Manner how the Duke's Children are to be treated, as it was ordered by the Queen Mother, and by her showed to the King, and allowed by him."

A fragment, copied in the same hand, of "Instructions to my Son," apparently from the Duchess of York; her sons, however, died during her life.

Duty of Officers at the Court of Charles II.

Letters from Lawrence Earl of Rochester to his Son Henry, 1688.

Two MS. Reflections of Lawrence Earl of Rochester on the Anniversary of his Wife's Death.

Letters to Lord Rochester from the Electress Sophia, and one from William III.

Will of Lawrence Earl of Rochester (found at New Park, in a drawer in the library, May 6th, 1711).

Queen Anne to Henry Lord Rochester on the death of his father.

Mr. Pope's letters to Lord Cornbury.

Lord Bolingbroke's letters to Lord Cornbury.

In a note to Dr. Monkhouse's Preface to the third volume of the State Papers, he says "that the MS. of "the History of the Rebellion, which appears to be the "very copy prepared by the Earl of Rochester for "publication, and which had been returned to him "after it had been printed, was conveyed by favour of

"the Duke of Queensberry[1] to the Bodleian Library;" and as it was for the want of this, or, indeed, of any MS. copy of the 'History of the Rebellion,' by which the University could prove the genuineness of their first edition of the work, that it sustained a severe and most unjust attack, it may be well to recapitulate in short the circumstances of the case. The 'History of the Rebellion' was first published in three folio volumes in 1702-4. In 1727 Oldmixon published a book entitled 'Clarendon and Whitelock compared,' when he first began a serious and general charge against both the editors of the work and the University, accusing them of interpolations and omissions from the original MS. In 1730 he published his 'History of England during the Reigns of the Royal House of Stuart,' to which he prefixed 'Some Account of the Liberties taken with Clarendon's History before it came to the Press, such Liberties as make it doubtful what part of it is Clarendon's, and what not.' On this arose the well-known controversy between Dr. Oldmixon and those who, then still living, considered their character as impugned.[2]

[1] Although this MS. might be presented by the Duke, or rather the Duchess, of Queensberry, her right in it must have been shared by her nieces, it being only as next akin to Lord Clarendon and Rochester that the right in the MSS. was vested either in the Duchess of Queensberry or in them.

[2] In a letter from Dean Aldrich to the Bishop of Rochester (Sprat), which is preserved in the British Museum, he assures him that all they who were engaged in superintending the printing of this work "laboured to be scru-"pulous even to superstition to reprint their copy to a tittle." In a letter of great spirit by Bishop Atterbury, dated Paris, October 26, 1731, he vindicated his own character, as well as those of Bishop Smalridge and Dr.

The vindication was warmly taken up by Dr. John Burton, and the accusations, founded principally on the disreputable authority of a certain Mr. Smith (who had been expelled from the University), and set forth by Oldmixon, were refuted. The controversy is now nearly forgotten, and the republication of the 'History of the Rebellion' in 1826, with the omissions and corrections added to it, has given to the public the power of judging what degree of censure should be attached to those who deemed these deviations necessary, and what degree of importance should be attached to the restoration of the original text. By the Chancellor's will his two eldest sons became responsible for the use they made of their father's MSS.—the words of his testament being, "I give and bequeath to my "said two sons all my papers and writings of what kind "soever, and leave them entire to their disposal as they "shall be advised, either by suppressing or publishing, "by the advice and approbation of my Lord Arch-"bishop of Canterbury[1] and the Bishop of Winchester,[2] "whom I do entreat to be overseers of this my will." It is clear, therefore, that the sons of Lord Clarendon were fully at liberty, with the advice of the Archbishop of Canterbury and the Bishop of Winchester, to make what suppressions they pleased, and to choose their own time of publication; and it was an overstrained

Aldrich from Oldmixon's charge of being concerned in altering Lord Clarendon's History.

[1] Sancroft. [2] Morley.

feeling on their part to declare in the Preface[1] that "they who put forth this History dare not take upon "them to make any alterations in a work of this kind, "solemnly left with them to be published, whenever it "should be published, as it was delivered to them." It is true that by Lord Clarendon's will no *alteration* appears to have been sanctioned, but the time of publication and the power of suppression were committed to their judgment and discretion; and it seems that, when the Chancellor Clarendon revised his ninth book in the summer of 1671, it was his own opinion that the "pre-"sent age would hardly be a fit season for its publica-"tion." That Lord Rochester, however, was peculiarly scrupulous as to making any change in his father's MS. is confirmed by a memorandum written by Dr. George Clark, and deposited in the library of Worcester College.

Memorandum, 21*st April*, 1726.

Dr. Terry, Canon of Christchurch, came to see me, and, knowing that he supervised the edition of Lord Clarendon's 'History of the Rebellion,' and corrected the press, when that book was printed, I asked him what became of the copy from which it was printed. He said that he thought it was returned to the Earl of Rochester. I mentioned to him what Sir Joseph Jekyl said lately in the House of Commons, viz. he believed it was not printed faithfully. The Doctor assured me that he knew of nothing left out besides an imperfect account of a bull-feast, which happened when the author was Ambassador at Madrid, and little or nothing concerned the

[1] Written by the Earl of Rochester.

purpose of the History; nor added, besides some circumstances of King Charles's remove from Brussels to Breda, which the Earl of Rochester declared he took from his father's papers. As for the rest, it was exactly printed from the copy, and the Earl of Rochester was so nicely scrupulous in following it, that he would not suffer any small variation, though only to make the sense clearer and the composition less intricate, which also I have at several times heard confirmed by Dr. Aldrich, Dean of Christchurch, and Mr. Richard Hill, who both have been by when proposals have been made to change a word or two in order to make the sense clearer; and the Dean sometimes proposed the doing it himself, but the Earl always refused it, saying it was his father's book, and he had solemnly promised to print it as he received it, and so he would, by the grace of God. I asked Dr. Terry who wrote the preface to the first volume? He said he supposed the Earl of Rochester, for it was delivered him in the Earl's hand, and printed from that copy.

G. C.

To this memorandum of Dr. Terry's should be added a summary of Mr. Wogan's narrative, to the truth of which he made affidavit;[1] who, having been the person employed in transcribing Lord Clarendon's work, had it in his power to give important evidence as to the manner in which the work was prepared for the press:—

Memorandum, 29th April, 1732.[2]

1. Mr. Wogan, who lives in Spring Garden, was kept a year longer than ordinary at Westminster School, to tran-

[1] See Burton's 'Genuineness of Clarendon.'

[2] MS. at the Grove.

scribe the first four books of Lord Clarendon's History for the press. He avers that there were not any material alterations made in it, and that he does not remember the sense was ever changed, or any minute part of any character.

2. Most of the rest of the transcript for the press is in the handwriting of Mr. Low, who was secretary to the Bishop of Rochester, Dr. Sprat.

3. The Earl of Rochester, Bishop Sprat, and Dean Aldrich were the persons who compared and revised the transcript before it was sent to the press.

4. The right to the copy was given to the University of Oxford, and it was printed at the Theatre, without any alterations, as may appear from the transcript which they received, if compared with the book in print. This is also attested by Dr. Terry, Canon of Christchurch, in Oxford, who corrected the press, except some few sheets at the beginning, which were done by Dr. Stratford.

5. The few erasures in the twelfth book of the transcript were made before it came to Oxford to Dr. Terry's hands, to the best of his remembrance.

6. The erasures relate to some things concerning the embassy to Spain, in which Lord Cottington and Lord Chancellor Hyde were employed; particularly an account of some persons of distinction at that time in the Court of Spain, which being foreign to the affairs of England is supposed to be the reason it was struck out.

7. Dr. Terry says that there was not any addition that he knows of, but a passage in the sixteenth book, page 740 of the 8vo. edition, of Galleway's giving notice of the design the Spaniards had to stop the King at Brussels. The Doctor was sent for one day to the Deanery, and heard the late Earl of Rochester declare that he found that passage among his father's papers, and that they were his own words; that he thought so material a circumstance ought not to be omitted, and ordered Dr. Terry to transcribe it, which he did; and at

this day it remains in the Doctor's handwriting, in that part of the transcript where it was to be inserted.

8. Dr. Terry says that, as far as he remembers and believes, Edmund Smyth had not a sight of the transcript while it was in his custody.

9. It is notoriously known in the University, and particularly in Christchurch, that Edmund Smyth was very far from being employed or trusted by Dean Aldrich, who had a power given him by the Chapter to expel him, whenever he thought fit, for his misbehaviour in the College.

10. Some sheets of the History, in Lord Chancellor's handwriting, have been found among the papers of the last Earl of Clarendon, and in one of them is the character of Mr. Hampden, as printed, lib. vii., p. 265, of the octavo edition, in which are those very words that are pretended to be foisted in by Edmund Smyth. They are also in the MS. 'Life' of Lord Chancellor, of his own handwriting, now in the possession of the present Earl. They are likewise in the body of the transcript sent down to Oxford, from London, by which the History was printed.

11. Bishop Tanner has the copy of a receipt, in Archbishop Sancroft's own hand, which his Grace gave the Earl of Clarendon in 1685, when his Lordship left the 'History' with him, at his going to be Lord-Lieutenant of Ireland. This receipt particularly takes notice of the number of quires and pages of which the 'History' consisted, and that it was wrote in Mr. Shaw's hand. It is probable this copy was burnt at New Park. It appears by this receipt that it was at that time styled the 'History of the Rebellion.'

When Lord Clarendon's History again appeared, in 1826, with all the suppressed or corrected passages restored, the work was noticed, together with the old controversy on the subject, by Sir James Mackintosh, in

a postscript to an article on a different subject.[1] Sir James Mackintosh does full justice to the University, both in admitting that "it was in no degree answerable" for the faults of the first publication, "and that, on the "other hand, they had the unalloyed merit of restoring "the true text of the noble historian." But his observations on the editors are scarcely marked with his usual candour: indeed, he even treats the fact of there being omissions in the work as a suppression of evidence "very "blameable in itself, and by no means calculated to in- "spire confidence in the general good faith of the first "editors." These observations might naturally apply to the conduct of the editors, had they not been specially left with a discretionary power to suppress or publish "as they shall be advised," and the friends being also named with whom they were to consult on these points; and of the anxiety of the editors that the text should be strictly followed there remains first the testimony of the many competent witnesses that have been already cited, and next the careful collation by Dr. Bandinel of the original MS. with the first edition of the work. Whether the first editors exercised wisely their discretionary power; whether they were unnecessarily scrupulous of publishing their father's opinions of individuals to whose family the publication of such opinions might be offensive or injurious; whether, in fact, their judgment was on all occasions equal to the task of selection,—must remain an open question: and

[1] On the 'Icon Basilike.'—Ed. Rev., No. 87.

though it should be remembered that their opinions must have been influenced by the knowledge of many circumstances which are now passed away and lost, the judgment they displayed in the exercise of so large a discretion is a fair subject for discussion and difference of opinion; but it is hardly fair to question the good faith with which they performed their task; nor is it very just to say that the loss of a MS. "is owing, on "the most candid hypothesis, to the not very filial "negligence of Lord Clarendon's sons." The fire at New Park, and the dispersion of the Chancellor Clarendon's MSS. subsequent to the death of his sons, show at once that there were more ways than filial negligence by which one of his MSS. might be lost. Sir James Mackintosh appears also to lay much stress upon the supposed obscurity of Mr. Shaw, in his estimate of the value of the MS. from which the first edition was taken:—"The copy made for the press by Wogan "and Low was not, however," he remarks, "taken from "the original MSS. . . . but from an intermediate one, "written (as is said) under the superintendence of the "noble historian by one Shaw, of whom nothing is "known; when, or how, or where it was written, is "also unknown to us." Mr. Shaw's name and character were, however, very well known to Lord Clarendon's family, and to his descendants;[1] and he is mentioned frequently in the diaries and letters of the Earl of Clarendon and Rochester. He acted as private

[1] See the Catalogue of Portraits at the Grove, portrait of Mr. Shaw, vol. iii.

secretary to Lord Clarendon, and accompanied him in his banishment; and the fact of a MS. being in his hand carried with it the weight of highest probability that it was written, "as it is said," under the superintendence of the author, whose fortunes he faithfully followed in the days of adversity.

The whole of the History, as first published, has been carefully collated with the MSS. from which the first edition was printed, now in the Bodleian Library, by Dr. Bandinel; and great respect is certainly due to an opinion founded on such careful labour, and which he expresses in the advertisement to the edition of 1826, "that Lord Clarendon's sons were justified in with-"holding some parts of the History, which for many "reasons were at that moment unfit for publication; "and that they had in no one instance added, sup-"pressed, or altered any historical fact."

The following copy of verses, addressed by Lord Hampden in 1777 to Thomas Villiers, Earl of Clarendon, is inserted as containing an allusion to the collection of pictures at the Grove:—

Description of the Grove, 1777.

Hydiaci toties frueris quibus otia luci
Musa, rependo brevi, si mens tua grata, camenâ.
Est ubi tot dulces formet natura recessus?
Aut ubi tot scenas ars intermisceat aptas?
Interiora domûs vestit pretiosior auro
Vandicii, Leliique manu depicta supellex:
Per muros vivæ facies spirare videntur.
Hic vernæ vates non Phœbo indigna locuti;

Quotque nec invitâ sophiam coluere Minervâ.
Ob patriam, ob regem pugnando vulnera passos
Ecce duces, aulæque viros decora alta, forique.
Exulis egregii vultus agnosco verendos:
Ut vigor, ut candor placido simul enitet ore!
Quid subiisse tuo patris ac nati omne periclum,
Quid pietas, quid rara fides, quid longa laborum
Te juvit series, quid tot decursus honorum
Ingrato sub rege reum? Nil splendida prosunt
Connubia, aut gener, ipse vices cubiturus easdem,
Nil binæ neptes ad sceptra Britannica natæ.
Macte senex, virtute! viget tua fama perennis.
Æquior, en, cumulat te postera laudibus ætas,
Et tua progenies redivivo fulget honore,
Promissura tuâ similes de stirpe nepotes.
Extra compta nitet, sed rustica villa; nec omnem
Munditiæ steriles fructum pepulere, lucrumque.
Non juga detrectat mannus: non dama sodalem
Aspernatur ovem, nec haræ cultura pudori est.
Haud impune fluens lapidem rotat unda molarem,
Et pinguis niveos inter strepit anser olores.
Non plumas immunis avis Junonia pandit.
Hic flores verni, hic, hiemalia pabula, napi;
Umbram si silvæ, silvæ quoque ligna ministrant;
Inter odoriferos frutices seges aurea surgit.
Horrea nunc campos, nunc rustica templa coronant,
Attonitosque trahit longe lateque colonos
Area congestæ ditissima frugis acervis,
Panque columnato gaudens, novus advena, fano,
Et casa non nudos miratur Scotica clivos.
Ruris herus solers ita miscuit utile dulci,
Ars ita naturam, natura ita temperat artem,
Auspiciisque cluet junctis plenissima villa.
Ut facis, hæc gnavus vectare uberrima circum
Rura diu, fructuque operum lætare tuorum,
Hyde, nec hoc spernas veteris rude carmen amici!

THE

LIFE OF LUCIUS CAREY,

VISCOUNT FALKLAND.

" But fools the good alone unhappy call,
For ills or accidents that chance to all.
See Falkland dies, the virtuous and the just!
See godlike Turenne prostrate on the dust!
See Sidney bleeds amid the martial strife!
Was this their virtue, or contempt of life?"

Pope, *Essay on Man*, Ep. iv.

" If the celebrating the memory of eminent and extraordinary persons, and transmitting their great virtues for the imitation of posterity, be one of the principal ends and duties of history, it will not be thought impertinent, in this place, to remember a loss which no time will suffer to be forgotten, and no success or good fortune could repair."

Clarendon's *Hist. of the Reb.*, vol. iv. p. 240.

" Non hæc, o Palla, dederas promissa parenti,
Cautius ut sævo velles te credere Marti.
Haud ignarus eram, quantum nova gloria in armis,
Et prædulce decus primo certamine posset.
Primitiæ juvenis miseræ, bellique propinqui
Dura rudimenta."

Virgil, Æn. xi. 152-157.

LIFE OF LORD FALKLAND.

CHAPTER I.

Birth and Parentage of Lord Falkland — His Education — He challenges Sir F. Willoughby, and is committed to the Fleet — His Marriage — His Residence and Society at Great Tew — He joins the King's Army in the North — Failure of the Expedition, and its Causes.

Lucius Carey was born at Burford, in Oxfordshire, about the year 1610. He was the eldest son of Sir Henry Carey, of Berkhampstead and Aldenham, in Herts, and of Elizabeth, daughter and sole heir of Sir Lawrence Tanfield, Chief Baron of the Exchequer. Sir Henry was raised to the peerage of Scotland, November 19th, 1620, by the title of Viscount Falkland, and two years afterwards, being appointed Lord Deputy of Ireland, he removed his family to that country. Lucius commenced his academical education at Trinity College, Dublin, and, on his return to England, at about the age of 18 years, Lord Clarendon says that "he was not only master of the Latin tongue, and had "read all the poets and others of the best authors with "notable judgment for that age, but he understood and "spake and writ French as if he had spent many years

"in France."[1] After having quitted Trinity College he became a student at St. John's College, Oxford.

Allusions are made in different works to a story of Sir L. Carey having been guilty in his youth of some particular act of levity, for which he had incurred the punishment of imprisonment. This story has been founded on the existence of a petition from Lord Falkland for the release of his son from the Fleet prison.[2] The petition is printed, without a date, in the collection called 'Cabala,' and affords no clue as to the nature of the offence. Wood, in his 'Athenæ Oxonienses,' speaks of Lucius as "a wild youth" when he went to Ireland with his father, whereas, in fact, he was then but a boy twelve years old; and so tempting is it to let imagination fill the gap when history is incomplete, that in the 'Biographia Britannica' and other biographical works[3] this petition is given as a proof that some unseemly act of youthful indiscretion must have been committed by Sir Lucius. The idea of lively irregularities, such as would have brought upon him the penalty of imprisonment, seemed however to accord so ill with the character ascribed to Sir Lucius at this very period of his life as to throw a doubt on its accuracy. A more careful search into the MS. records of that time shows the nature of the offence to be alto-

[1] Life, vol. i. p. 38. ed. 1761. 8vo.

[2] See Appendix A.

[3] See 'Biographie Universelle,' 'Lodge's Portraits,' &c. Chalmers speaks in his Biographical Dictionary of this petition as being addressed to James I. instead of Charles I.; and though he alludes to Sir Lucius being thrown into prison for challenging Sir F. Willoughby, he neither gives his authority nor the cause of the quarrel.

gether different from that which was assumed, and proves that the cause of Sir Lucius's confinement was his treating too seriously, though not perhaps, according to the temper of those times, unbecomingly, what he regarded as an usurpation of his rights by another, and a slight put upon him by the King.

Sir Lucius was deprived of a company of which he had the command, that it might be conferred on Sir Francis Willoughby.[1] He considered this an act for which Sir F. Willoughby was bound to "give him satisfaction with his sworde."[2] Sir F. Willoughby denied having wished that it should be the company of Sir Lucius that was transferred to him; but it appears that Sir Lucius was not satisfied with this reply, and persevered in his intention to hold Sir Francis responsible either for his own act or for that of the King.[3]

Temporary imprisonment of one or both of the parties for the purpose of preventing a duel was not then uncommon; but it seems that Sir Lucius was also threatened with the Star Chamber, a circumstance which raises a presumption that the King resented this act of indirect insubordination to his will.

An order from the Privy Council is registered for the imprisonment of Sir Lucius Carey on the 17th of January, 1629–30, and, on the 27th, a warrant for his

[1] Sir F. Willoughby thus speaks of the circumstance in a letter to Lord Dorchester, dated Jan. 1, 1629-30 :—"From my Lord Falkland I must not looke for much favour, by reason his son's company is conferred uppon me, as I am lately informed, which was no ackte of mine, neyther ought my lord to blame me for it." *Vide* Appendix B 1.

[2] *Vide* Appendix B 2.

[3] *Vide* Appendix B 3, original letters that passed between Sir F. Willoughby and Sir L. Carey.

liberation.[1] Whether this deprivation of his company was solely for the advantage of Sir Francis Willoughby, or intended by the King as a slight on Lord Falkland, then recalled from his government in Ireland, there is no proof;[2] but though, by the tone of the petition and the entries in Lord Falkland's journal,[3] it would seem that he was too good a courtier to resent the King's conduct to his son, yet it was an exercise of power, wanton, at least, if not vindictive, which was calculated to make a deep impression on the mind of a high-spirited youth nineteen or twenty years old.

The Chief Baron Tanfield[4] had so settled his estate upon his grandson Lucius, that it descended to him direct on the death of his maternal grandmother, Lady Tanfield; and at nineteen years of age he found himself in possession "of two very good houses very well "furnished (worth above 2000*l.* per annum), in a most "pleasant country, and the two most pleasant places "in that country."[5] Soon after his inheritance of these estates, Sir Lucius incurred the deep displeasure of his father by his marriage with the daughter of Sir Richard Morrison.[6] To this young lady he was pas-

[1] *Vide* Appendix C.

[2] It appears that it was not without difficulty that Lord Falkland obtained for his son the tardy payment of arrears due to him and his company. *Vide* Appendix D.

[3] *Vide* Appendix E.

[4] He died in May, 1625.

[5] Clarendon's 'Life,' p. 38.

[6] Of Tooley Park, Leicestershire. Her brother, Sir Henry Morrison, who had been the chosen friend of Sir Lucius, died shortly before the marriage. Their friendship was celebrated by Ben Jonson in an ode entitled 'Ode Pindaric to the Memory and Friendship of that immortal Pair Sir Lucius Carey and Sir H. Morrison:'—

"And

sionately attached, but her portion was inconsiderable. Lord Falkland "had hoped," says Lord Clarendon, "to repair his own broken fortune and desperate hopes "in Court by some advantageous marriage of his son, "about which it is conjectured he was then in treaty;" and his anger at the defeat of these intentions seems to

"And shine as you exalted are,
Two names of friendship, but one star;
Of hearts the union, and those not by chance
Made, or indenture, or leased out t' advance
The profits for a time;
No pleasures vain did chime,
Of rhymes, or riots, at your feasts,
Orgies of drink, or feign'd protests;
But simple love of greatness and of good,
That knits brave minds and manners more than blood.

"This made you first to know the why
You liked, then after to apply
That liking; and approach so one the t'other,
Till either grew a portion of the other:
Each styled by his end,
The copy of his friend,—
You lived to be the great surnames
And titles by which all made claims
Unto the virtue. Nothing perfect done
But as a Carey or a Morrison.

"And such a force the fair example had,
As they that saw
The good, and durst not practise it, were glad
That such a law
Was left yet to mankind,
Where they might read and find
Friendship indeed was written not in words;
And with the heart, not pen,
Of two so early men,
Whose lives her rolls were and records;
Who, ere the first down bloomed on the chin,
Had sow'd these fruits and got the harvest in."

BEN JONSON, *Ode Pindaric.* Works, vol. ix. p. 9.

have been bitter and enduring.[1] Sir Lucius, without repenting the choice he had made of one in every way deserving his affection and respect, most deeply deplored the offence he had given his father. He confessed his fault with sincere and humble contrition, and implored his forgiveness; nor did he content himself with the mere expression of regret that his father's fortune should be prejudiced by the smallness of his wife's portion; he offered to resign the whole estate that had been left to him; he actually had the deeds of conveyance prepared, presented them himself to his father, and declared himself ready to execute this transfer of his property to him, and to rely solely on his paternal bounty in future. But Lord Falkland was inexorable; he neither forgave the transgression, nor accepted the proffered atonement. Sir Lucius immediately determined to quit England, and proceeded with his wife to Holland, intending there to purchase some military command, and to devote his life to that profession; but, being disappointed in his hopes of employment, he returned to England the following year, retired to a country life and to his books, thinking "that, as he was not like to improve himself in arms,

[1] The advantageous marriage to which Lord Clarendon thus vaguely alludes is more plainly set forth in a letter of May 28, 1629, from Sir George Gresley, Bart., to Sir Thomas Puckering, Bart., in which he says, "Sir Thos. Edmundes hath sold his crown office to one Willis, a lawyer "of the Temple, for 6000*l.*, and goes ambassador to France, out of a hope "at his return to be Lord Deputy of Ireland. *But the truth is, the Lord "of Falkland and the Lord Treasurer* are to match two of their children "together, and thereupon the Lord Falkland to continue Lord Deputy "still."—*The Court and Times of Charles I.*, vol. ii. p. 16. The Lord Treasurer referred to was Richard Weston, Earl of Portland.

"he might advance in letters."[1] He immediately began a rigorous course of study, resolved to abstain from visiting London till he had mastered the Greek tongue, and adhered to his resolution. The death of his father was the first interruption to his retirement. Lord Falkland broke his leg by a fall from a stand in Theobald's Park, and died in consequence of that accident in September, 1633. It is to be hoped that some reconciliation took place between him and his son, but no record is to be found that such was the case.[2] Sir Lucius inherited his father's title and estate, but his fortune was by no means increased by the inheritance, inasmuch as he was obliged to sell a finer estate of his own to redeem that which descended to him, and which was mortgaged to its full value. Having visited London to complete the business which the death of his father had rendered indispensable, Lord Falkland again retired to the country, and resumed his studies. His life at Great Tew[3] must have been one of most perfect enjoyment to a man of his tastes and acquirements. This place was situated within ten or twelve miles of Oxford, and became the rendezvous of learned men from the University, as well as of his friends from London and other parts. Amongst the most frequent guests we find the names of Dr. Sheldon, Morley, Hammond,

[1] Clarendon's 'Life,' p. 21.

[2] The last mention made in Lord Falkland's journal of his son's name is on the 28th of October, 1630 (*vide* Appendix F), when it appears that Mr. Lenthall interceded in his favour. This silence rather confirms the impression that all intercourse ceased between them.

[3] Great Tew was one of the estates he inherited from his grandfather, Laurence Tanfield. The house is now pulled down.

Earles, and Chillingworth;[1] also of Hugh Cressy, of Merton Coll.; "Charles Gataker,[2] of Pembroke Coll.; "George Aglionby, of Ch. Ch.; Thos. Triplet, a "very witty man of Ch. Ch.; Geo. Sandys, the poet; "and others."[3] His library was open to their use, and they required no invitation to take possession of the apartments regarded as their own.[4] Lord Falkland's greatest pleasure was in the conversation of men to whom he looked up for instruction, whilst their powers were stimulated by the learning, wit, and judgment of their host. He had, says Lord Clarendon, "such a "vast knowledge that he was not ignorant in any-"thing, yet such an excessive humility as if he had "known nothing."[5] It was here that Chillingworth wrote his book against the Jesuit Nott, and in this society that he debated some of the most important points in his work, and even occasionally submitted to the judgment of his friends. There was in Lord Falkland a gentleness and affability that spread its influence on those around him; they involuntarily caught the spirit they admired, and in his presence subjects of gravest import were discussed freely without levity, and controversies were examined and maintained with

[1] Clarendon, 'Life,' p. 42.

[2] Son of Gataker of Redriff, or Redrith, near London.

[3] See Wood's 'Athenæ Oxon.'

[4] "The lord of the house did not even know of their coming or going, "nor who were in his house, till he came to dinner or supper, where all still "met. There was no troublesome ceremony or constraint, to forbid men "to come to the house, or to make them weary of staying there; so that "many came there to study in a better air, finding all the books they could "desire in his library, and all the persons together whose company they "could wish and not find in any other society."—Clarendon, 'Life,' p. 43.

[5] Hist. of Reb., vol. iv. p. 243. ed. Oxford, 1826.

mutual forbearance and toleration for difference of opinion.

To the more common rights of hospitality Lord Falkland seems to have joined that well-bred politeness which springs from a delicate regard for the feelings of others: a quality which graced his more important acts of benevolence in a singular degree.[1] He seemed to hold his estate in trust "for worthy persons who needed "assistance, as Ben Jonson and others," who accepted from him what they would have recoiled from receiving at other hands. He gave in secret to many whose pride might have been wounded by their necessities being known, and thus enhanced the value of his bounty by sparing the debt of obligation. In fulfilling the charities of social and domestic life he won the affections of those around him; distinguished alike for the depth, extent, and variety of his acquirements and the retentiveness of his memory, he was still totally free from pedantry; lively and fluent in conversation, pure in taste, and of great gaiety of spirit, his society was cherished by those men of congenial habits and pursuits who were admitted to his intimacy and enjoyed his friendship during the halcyon days spent at Great Tew from the age of twenty to twenty-eight or twenty-nine.

From the year 1639 we must no longer seek Lord Falkland in the retirement of domestic life and the peaceable enjoyment of literary labours: henceforward we shall find him an actor in those scenes where every passion arising from religious differences, political contentions, and civil war was called into action.

[1] Clarendon, 'Life,' p. 41.

In the spring of the year 1639 Charles I. had collected an army of 6000 horse and as many foot, in order to advance against Scotland; and as this expedition may be regarded as the first link in the long chain of mistakes and misfortunes that led to the overthrow of the King, the destruction of his adherents, and the interruption of that national prosperity to which civil war is fatal, it may not be improper in a few words to recall the cause of quarrel and the supposed object of this ill-advised expedition against Scotland. In the year 1633 the King resolved to visit his native country[1] in order to be crowned at Edinburgh. His whole progress throughout England was one continued homage from all who were in a condition to offer hospitality to their sovereign and his numerous attendants. The houses of the nobility wherever he passed were devoted to his service, and the fortunes of those whom he honoured with his presence were lavishly expended in the magnificence of their entertainments.[2] Scotland vied with England in this display of loyalty and respect for the person of the King, and sought by their attentions to the English who accompanied him to repay the courtesy and hospitality which had been freely tendered to their countrymen in England.

The coronation at Edinburgh was solemnized with as much pomp as it had been in England, and with every demonstration of public joy and satisfaction.[3]

In this journey Charles was accompanied by Laud,

[1] Charles had quitted Scotland when two years old.

[2] Clarendon's History of the Rebellion, vol. i. pp. 139-141.

[3] Ibid., vol. i. p. 145.

Bishop of London; the object of his attendance (which was not otherwise necessary) was, that he might assist in establishing that uniformity of worship which both he and the King wished to introduce, by imposing the English Church Government and English Church Liturgy on the Scotch Presbyterians. The Scotch were no less strong in their preference for their own form of Church Government and Service than tenacious of their civil independence. The throne of England was occupied by the King of Scotland, and much jealousy existed on the part of that country lest it should be treated as a province of England, and subjected in any way to her laws and government beyond the unity of allegiance due to their common sovereign. Great diversity of opinion arose as to the time, as well as manner, in which these projected changes should be effected. It was well understood that the draught would be bitter to swallow, and unhappily the various expedients to sweeten the cup only added to its bitterness and increased the repugnance of those for whom it was intended. Bishop Laud, with true professional zeal, thought the fittest remedy for the weakness of episcopacy was an increase in the number of Bishops and an addition to the secular power of the Clergy; but as this weakness was occasioned by the want of support in public opinion, he only added to the superstructure without strengthening the foundation, and the pile thus increased soon crumbled to ruins. Edinburgh was erected into a bishopric, a new Dean was also appointed, the Archbishop of St. Andrews was made Chancellor of Scotland, and four or five other Bishops named of

the Privy Council or Lords of the Session, in the vain hope that, by thus giving them power in the State, they would acquire that respect and influence in the Church which they had failed to obtain as Churchmen.

In August, 1633, the King returned from Scotland, leaving to the care of the Bishops there the providing a Liturgy and a book of Canons, and which, as soon as they could be prepared, were to be submitted to Laud, now Archbishop of Canterbury;[1] Juxon, Bishop of London; and Wren, Bishop of Norwich.

For a while there was a delusive acquiescence on the part of the Scots in this preparation of a Liturgy, which was attributed to conversion of opinion, or submission to authority; but it was afterwards found to proceed from their trusting to the indiscretion of the Bishops being of more advantage to them than any opposition they could offer.[2]

After two years the Bishop presented a body of Canons—the King referred them to the Archbishop and Bishops in England; after some alterations they returned them to the King, who issued his proclamation for their due observance in Scotland. The Archbishop of Canterbury had warned the Bishops in Scotland not to propose anything to the King which should be contrary to the law of that land, and never to put anything in execution without the consent and approbation of the Privy Council there. He well knew that no change could be introduced in the Church which would

[1] Laud had been raised to the archbishopric on the death of Abbot when the King returned from Scotland.

[2] Clarendon's 'Hist. of the Rebellion,' vol. i. p. 185.

not concern the State, and even the municipal laws of the kingdom; yet neither before nor after the King's proclamation were these Canons seen by the Assembly, by any Convocation of the Clergy, or by the Lords of the Council in Scotland.

The people of Scotland considered the Canons as new laws imposed by the King's sole authority; as contrived by a few private men, strangers to the nation; and as implying a subjection not merely to the Church, but also to the civil government of England. They perceived an inclination to Popery in some of the Canons, whilst they objected to others as conferring an unlimited power and prerogative upon the King in all cases ecclesiastical; their laws and customs were thwarted, and the rights of property were infringed, by a direction that all Bishops and ecclesiastics dying *without* children should leave a good part of their estates, and those *with* children somewhat, to the Church. To crown the other errors connected with this compilation, was its publication before that of the Liturgy, with which three or four of the Canons enjoined punctual compliance, though of its contents nothing was then known.

About the month of July, 1637, the Liturgy was sent by the Scotch Bishops to England, perused by the Archbishop and Bishops, approved and confirmed by the King, and appointed to be read in Scotland on the Sunday next; and all this again without previous consultation or knowledge of the Scotch Clergy, Privy Council, and others.

The reception of the Liturgy in the cathedral church of Edinburgh was in the highest degree unfa-

vourable—all decency and reverence due to the place of worship and the ministers of God was forgotten in the outbreak of indignation at this imposition of a Liturgy which was uncongenial to the feelings and opinions of the people. Stones and cudgels were hurled at the head of the Dean who read the service, and not a word could be heard, from the clamour and uproar raised both within and without the church: it fared no better with those who had to read it in other places, for they were attacked and followed with bitter execrations against Bishops and Popery. The indifference in England as to the affairs of Scotland in general was so great up to this period, that, whilst the whole nation was solicitous to know what passed weekly in foreign countries, "no "one ever inquired what was doing in Scotland, nor "had that kingdom a place or mention in one page of "any gazette."[1] Nor did even this forcible rejection of the Liturgy create at first any interest in England. A despatch was sent to require the Lords of the Council at Edinburgh to act more vigorously in maintaining the King's authority, but the Council was powerless. Men of high rank engaged against the Bishops; women of all ranks joined in the cry against the Bishops and the Liturgy; Bishops were attacked in the streets; every Bishop left Edinburgh, and no one dared to read the Liturgy. People now flocked from all parts to Edinburgh, and soon formed themselves into a sort of government; they petitioned the King in the name of the nobility, lairds, clergy, and burgesses, complaining of the introduction of Popery; a general assembly was called, the Bishops summoned,

[1] Hist. of the Rebellion, vol. i. p. 195.

and then excommunicated for not appearing. The next step was to sign a covenant, which they maintained to be the same as that subscribed by King James, and to which they now called upon the King to agree, notwithstanding a clause being inserted for the extirpation of Bishops.

A series of negotiations passed, but without producing any approach to reconciliation or submission, and the Scotch began to raise an army, and chose as their General Colonel Leslie. The King now thought fit to acquaint his Council and the nation at large with the state of affairs between himself and the Scotch, and at the end of the year 1638 declared his resolution to have recourse to arms to suppress the rebellion in Scotland.

In the following spring the army was in readiness. The Earl of Arundel was chosen as General, the Earl of Essex Lieutenant-General, and the Earl of Holland General of the Horse. It appears that the King was more anxious upon this occasion to make a display of the nobility, than to select experienced officers, or procure efficient soldiers. He revived certain obligations of service, and inquired into the tenure by which many estates were held; and finding that the King, when he made war in person, called as many of the nobility to attend him as he pleased, summoned most of the nobles in his kingdom to be in readiness on a certain day.

It was this expedition that first called forth Lord Falkland from his retirement.

Whether his former desire for a military life prompted him to engage in it, or that he was included in the

King's summons, does not appear. He had been promised a command; but was disappointed in this expectation.[1]

Lord Falkland's service on a crusade in favour of episcopal power and a compulsory Liturgy could not have been tendered from any sympathy in the cause; but when summoned by duty or by his sovereign to take the field, he submitted to the disappointment of not having the promised command, and volunteered to serve under the Earl of Essex.

This change from his tranquil studious life seems to have created no ordinary sensation in the society he had gathered round him: his departure was a theme to the poets Cowley and Waller,[2] and their verses bear the

[1] Clarendon's 'Hist. of the Rebellion,' vol. iv. p. 253.

[2] TO LORD FALKLAND,

FOR HIS SAFE RETURN FROM THE NORTHERN EXPEDITION AGAINST THE SCOTS.

"Great is thy charge, O North; be wise and just;
England commits her Falkland to thy trust,
Return him safe; learning would rather choose
Her Bodley or her Vatican to lose.
All things that are but writ or printed there,
In his unbounded breast engraven are;
There all the sciences together meet,
And every art does all his kindred greet,
Yet justle not, nor quarrel; but as well
Agree as in some common principle.
So in an army, govern'd right, we see
(Though out of several countries raised it be)
That all their order and their place maintain,—
The English, Dutch, the Frenchman, and the Dane;
So thousand divers species fill the air,
Yet neither crowd nor mix confus'dly there;
Beasts, houses, trees, and men together lie,
Yet enter undisturb'd into the eye.

And

strongest testimony to the high value they set on his worth, and to their anxiety at seeing so much virtue, wisdom, and learning exposed to the risks of war.

The whole expedition to Scotland was, though costly,

And this great prince of knowledge is by Fate
Thrust into th' noise and business of a State.
All virtues, and some customs of the court,
Other men's labour, are at least his sport;
While we, who can no action undertake,
Whom Idleness itself might learned make,—
Who hear of nothing, and as yet scarce know
Whether the Scots in England be or no,—
Pace dully on, oft tire, and often stay,
Yet see his nimble Pegasus fly away.
'T is Nature's fault, who did thus partial grow,
And her estate of wit on one bestow,
Whilst we, like younger brothers, got at best
But a small stock, and must work out the rest.
How could he answer 't, should the State think fit
To question a monopoly of wit?
Such is the man whom we require, the same
We lent the North; untouch'd as is his fame,
He is too good for war, and ought to be
As far from danger as from fear he 's free.
Those men alone (and those are useful too),
Whose valour is the only art they know,
Were for sad war and bloody battle born;
Let them the State defend, and He adorn."

COWLEY.

"TO MY LORD OF FALKLAND.

" Brave Holland lands, and with him Falkland goes.
Who hears this told, and does not straight suppose
We send the Graces and the Muses forth
To civilize and to instruct the North?
Not that these ornaments make swords less sharp,—
Apollo bears as well his bow as harp;
And though he be the patron of that spring
Where in calm peace the sacred virgins sing,
He courage had to guard th' invaded throne

Of

fruitless and inglorious. It settled no differences with the Scotch, whilst it gave rise to many jealousies and disputes amongst the English themselves. The only advantage gained by any part of the King's troops was in the early occupation of Berwick by the Earl of Essex. For this object he marched day and night, yet with this unwonted haste he succeeded in preserving order and discipline. He disregarded all false rumours as to the strength and feats and intentions of the Scotch, and possessed himself of the town without opposition. The King held his court at York for a time, and then advanced beyond Berwick. The Scots were reported to be on the march, and the Earl of Holland was sent to Dunse, about ten or twelve miles over the border, where he found the Scots drawn up. General Leslie ingeniously disposed his army, consisting of only three thousand ill-armed men, to look like a greater force.[1] The Earl of Holland sent a message to the King to consult his pleasure as to his engaging, but without waiting for the answer he and his principal officers decided to retreat. In this it seems he only anticipated

---

Of Jove, and cast th' ambitious giants down.
Ah! noble friend! with what impatience all
That know thy worth, and know how prodigal
Of thy great soul thou art (longing to twist
Bays with that ivy which so early kiss'd
Thy youthful temples), with what horror we
Think on the blind events of war and thee!
To fate exposing that all-knowing breast
Among the throng as cheaply as the rest;
Where oaks and brambles (if the copse be burn'd)
Confounded lie, to the same ashes turn'd."

WALLER.

[1] Clarendon's 'Hist. of the Rebellion,' vol. i. p. 211.

the King's reply, which forbad him to engage; and the cordial reception of Lord Holland,[1] who had thus sacrificed the honour of his troops, and the joy evinced at his return, plainly showed that the King had called together this brilliant display of armed nobility with no other idea than that of overawing the Covenanters into submission. The expedition was to be a mere military pageant; and an array of followers, who had willingly devoted their time and their fortunes to bringing well-appointed soldiers into the field, found that they had been intended for little better than figures dressed up for the occasion to produce a dazzling effect on a people who were to be astonished and frightened, not subdued, into obedience. No wonder that the Covenanters, who were well informed of all that passed at the English Court, should have hoped to open a correspondence with generals who either shared in the weak policy of their sovereign, or who, resenting their being thus made to play at war, might waver in their allegiance. Three separate letters were addressed by them to the three generals, the Earls of Arundel, Essex, and Holland.

The Earl of Essex treated that which was addressed to him with greater scorn than did the other two. He sent it to the King without returning any answer, or holding any communication with the messenger who brought it; nor would he take part in the treaty which was soon after set on foot. This treaty of pacification is thus described by Lord Clarendon:[2]—

[1] Clarendon's 'Hist. of the Rebellion,' vol. i. p. 214.
[2] Ibid., p. 217.

"Whosoever will take upon him to relate all that "passed in that treaty must be beholden to his own "invention, the most material matters having passed in "discourse, and very little committed to writing. Nor "did any two who were present agree in the same re- "lation of what was said and done; and, which was "worse, not in the same interpretation of the meaning "of what was comprehended in writing. An agree- "ment was made (if that can be called an agreement "in which nobody meant what others believed he did) "that the armies were to be disbanded, an act of "oblivion passed, the King's forts and castles re- "stored, and an assembly and parliament to be called "for a full settlement."

The army was disbanded, the Scots retracted nothing they had done, abated nothing in their demands, and burned their own version of the treaty by the common hangman. The King returned to London, outwitted by the Scotch; his army disappointed, his court distracted by animosities and factions, his nobility impoverished, his reputation diminished at home and abroad by failure of success, and the attachment to his person somewhat lessened by the little courtesy with which he dismissed those who had shown so much loyalty in the gathering together. One man stood free of all blame in the much misunderstood treaty, and had never made one false step throughout this 'Tragedy of Errors,' and that was the Earl of Essex; yet he was discharged in the crowd without even ordinary ceremony, and soon after refused the command of the Forest of Needwood, which was close to his estates,

and would have been a gratification to him.[1] No doubt it must have been a satisfaction to a man of Lord Falkland's character to have served under one whose loyalty, courage, and independence of spirit remained unimpeached; but the cause of quarrel with the Scotch, the counsels of Laud, the conduct of Charles, viewed either as King of Scotland or as King of England, the arbitrary spirit displayed on some occasions during the expedition, and the want of courtesy due to his own commander, might well account for the unfavourable opinion he entertained of the Archbishop of Canterbury, the little love he bore to episcopal power, the mistrust he conceived of the King's views of constitutional rights, and that indisposition to the King personally of which Lord Clarendon makes mention more than once, and which, if originally conceived at an earlier period of life, was not likely to be softened by an affront now offered to the commander under whom he had served as volunteer.

[1] Clarendon's 'Hist. of the Rebellion,' vol. i. p. 220.

CHAPTER II.

Lord Falkland is elected Member for Newport — Proceedings in the House of Commons in reference to the question of Ship-money — Message from the King upon a Supply — Dissolution of the Parliament — Council of the Peers at York — Treaty with the Scots — Meeting of the Long Parliament — First Speech of Lord Falkland, on the proposed Impeachment of Lord Strafford — Speech of Lord Falkland on Ship-money — Impeachment of Lord Finch, and Speech of Lord Falkland to the House of Lords in support of it.

IN 1640 Lord Falkland was chosen member of Parliament for Newport in the Isle of Wight. He was now about thirty years old, and this was the first opportunity he had had of sitting in Parliament, or even of judging of the power and effect of a representative assembly, none having been summoned for the space of twelve years.

The last Parliament of King James's reign had been courted and influenced by the all-powerful George Villiers Duke of Buckingham, more particularly on two subjects, which were at variance with the policy and opinions of the King, but in which he was fully countenanced by the Prince of Wales, viz. the desire to make war upon Spain, and the impeachment of Lionel Cranfield Earl of Middlesex, Lord Treasurer.[1] The King remonstrated with his favourite and his son in words

[1] Clarendon's 'Hist. of the Rebellion,' vol. i. p. 41.

which proved little short of prophetic:—"By G—, "Steeney, you are a fool and will repent this, and will "find that in this fit of popularity you are making a "rod with which you will be scourged yourself;" and then, addressing the Prince, he continued, saying, "that he would live to have his bellyful of parliament "impeachments; and when I shall be dead you will "have too much cause to remember how much you "have contributed to the weakening of the Crown by "the two precedents you are so fond of."

His warning was in vain; the Duke was triumphant on both subjects. The King died shortly afterwards, and a new Parliament was summoned on the accession of Charles; but the tide of parliamentary favour had now changed, and Buckingham found himself the object of strong reprobation; votes passed against him as an enemy to the public, and supplies were refused on the ground of his ill management. His indignation, or possibly his alarm, was roused by this turn of popular opinion, and he caused the Parliament to be dissolved. The second Parliament was dismissed for much the same reasons, and by the same pernicious counsels; members were imprisoned or disgraced who had given offence, and a commission to levy a general loan was appointed, armed with powers that were in direct violation of existing statutes. A third Parliament was called; and although, like its two predecessors, it was of short duration, yet it framed and carried the memorable "Petition of Right."

From that time it was in vain to urge former precedents for levying any loan or tax but by consent of

Parliament, imprisoning any one but by legal process, or infringing other provisions made for the security of person and property. The speedy dissolution of this Parliament was partly attributed to the Lord High Treasurer, Lord Weston, who, like the Duke of Buckingham, had reason to expect some charges to be preferred against him, and a ground of displeasure was easily found in the refusal of the Commons to vote Tonnage and Poundage for more than a year.[1] The Petition of Right was immediately afterwards infringed, members were again imprisoned, and a declaration was heard from the Attorney-General Heath that the Petition of Right was "*no law.*"

The King, driven to extremities for want of supplies, had recourse to those various projects for raising money that have since become as watchwords in the history of overstrained prerogative. "Acts of State were made "to supply the defect of laws; obsolete laws were "revived and rigorously executed, wherein the subject "might be taught how unthrifty a thing it was, by too "strict a detaining of what was his, to put the King as "strictly to inquire what was his own."[1] The composition for knighthood, the granting monopolies, revival of the Forest Laws, the arbitrary imposition of Tonnage and Poundage and of Ship-money, and enlargement of the powers of the Council and the Star Chamber, were the illegal and irregular means adopted by the sovereign, in defiance of the well-defined rights of the subject, to make the prerogative of the Crown obtain by force those supplies which it was the privilege of Par-

[1] Clarendon's 'Hist. of the Rebellion,' vol. i. p. 119.

liament to grant or to withhold. It was necessity, not choice, that induced Charles once more to summon a Parliament. Hostilities were to be renewed against Scotland. The Treasury was bankrupt—only 200*l.* was left in the Exchequer. The revenue of the Crown had been anticipated, an army was to be raised, but means were absolutely wanting for the purpose. Charles opened the Parliament on the 13th of April, 1640, and Serjeant Glanvil was chosen Speaker.[1] Mr. Pym led the way in the discussion of grievances that had been occasioned by the long intermission of Parliament; of the King he spoke with the utmost respect, but animadverted strongly on the conduct and justice of the Government. Mr. Grimston and others followed in the same strain, and all joined in praising Mr. Hampden for the resistance he had made to the payment of the Ship-money; even the King's solicitor, Mr. Herbert, took occasion to add his praise to Mr. Hampden for his great temper and modesty in the prosecution of that suit. Mr. Herbert, of course, defended the exaction of Ship-money, and grounded his defence of its legality upon the opinion of the Judges, to whose authority he said the King had willingly deferred when the right was disputed. The case, he declared, had been argued before all the Judges of England in the Exchequer Chamber, and the major part had given their opinion in favour of the King's right to impose the offensive tax. How little reason the nation at large or its representatives had to be satis-

[1] Clarendon's 'Hist. of the Rebellion,' vol. i. p. 233.

fied with the justice of this judicial opinion was afterwards fully exposed; but whatever the suspicions or knowledge of the House of Commons might then be, neither their loyalty nor their moderation as a legislative body were yet shaken. "The Parliament," says Lord Clarendon, "had managed these debates and "their whole behaviour with wonderful order and so-"briety."[1]

At the end of six days the King became impatient because no progress was made towards voting the supplies. To hasten this object, the House of Peers was prevailed on by the Court to tender their advice to the Commons to begin with voting the supplies. The Commons were indignant at a breach of privilege never attempted before in the annals of Parliament. The Lords retracted, but not to the entire satisfaction of the Commons; and further delay was occasioned by this ill-advised attempt to hurry them into acquiescence with the King's wishes. Then came the King's written message, delivered by his Secretary of State, Sir H. Vane, offering to give up in future all title or pretence to ship-money, *provided the Commons would vote him the twelve subsidies he required.* The message was debated; many objected to the largeness of the sums demanded; and others, who were not indisposed to give, as a free testimony of duty and affection, recoiled from a bargain in which the King tendered as his share of the engagement to give up that to which they firmly believed he could be shown to have no right. Mr.

[1] Hist. of the Rebellion, vol. i. p. 236.

Hampden desired the question might be put, whether the House would consent to the King's proposition.

The House being in Committee, the Speaker, Serjeant Glanvil, addressed them. He freely admitted that the judgment on the imposition of ship-money was against the law, "if he knew what law was;"[1] but urged, and with great effect, the expediency of complying with the King's desire, in order to reconcile him to Parliaments for ever. Mr. Hampden's question[2] was again proposed, and would certainly have been negatived, as those who thought the sum too large,[3] and those who disliked the conditional terms offered by the King, would have joined against it. Mr. Hyde then proposed an amendment, which recommended that the question should be put only upon giving the King a supply, without reference to the sum or to the rest of the message. A loud call ensued as to whether Mr. Hampden's question or Mr. Hyde's question should be put. The latter was on the point of being carried, and, being in its object far the most favourable of the two to the King's interest, it seemed strange at first that Mr. Herbert, the King's Solicitor, should strongly oppose it. But Sir H. Vane removed all surprise on that score by rising to declare that "*he had authority to tell them that*

[1] *Vide* Clarendon's 'Hist. of the Rebellion,' vol. i. p. 242. Lord Clarendon adds he was "*known to be very learned,*" and that this expression "very much irreconciled him at Court."

[2] Viz. whether the House would "consent to the proposition made to "the King as it was contained in the message?"—p. 241.

[3] "There were very few, except those of the Court (who were ready to "give all that the King would ask, and indeed had little to give of their "own), who did not believe the sum demanded to be too great, and wished "that a less might be accepted."—p. 240.

"*if they should pass a vote for the giving the King "a supply, if it were not in the proportion and "manner proposed in his Majesty's message, it would "not be accepted by him.*"[1] The conduct of Sir H. Vane has been impugned, and this declaration in the King's name treated as an act of treachery; but it is hard to decipher his motives, if he had any less obvious than the fulfilment of his sovereign's command.[2] That long-sighted desire to bring things into confusion, of which he has been accused, is an easier motive to assign when the story can be read backwards, than a very probable one for a man to act upon whose position was already too well assured to be much tempted to court the uncertain favours and events of the future. It is said that he and the Solicitor Herbert misrepresented to the King the temper of the House;[3] and that it was in consequence of their misrepresentations and influence that on the following day, without further deliberation, the King dissolved the Parliament. This undiminished confidence on the part of the Court in the trustworthiness of Sir H. Vane and the Solicitor Herbert[4] must be admitted to confirm

[1] Clarendon's 'Hist. of the Rebellion,' vol. i. p. 244.

[2] Lord Clarendon says, "What followed in the next Parliament, within "less than a year, made it believed that Sir Henry Vane acted that part "maliciously and to bring all into confusion."—Ibid., p. 245.

[3] Ibid.

[4] "Let their motives be what they would, they two, and they only, "wrought so far with the King that, without so much deliberation as the "affair was worthy of, his Majesty the next morning . . . . sent for "the Speaker to attend him, and took care that he should go directly to "the House of Peers, upon some apprehension that, if he had gone to "the House of Commons, that House would have entered upon some "ingrateful discourse, which they were not inclined to do; and then,

the impression that neither the former nor the Solicitor (who supported him) had gone beyond their instructions in the House of Commons; nor was it till the King

" sending for that House to attend him, the Keeper, by His Majesty's " command, dissolved the Parliament."—Clarendon's 'Hist. of the Rebellion,' vol. i. pp. 245, 246. See Com. Journ., vol. ii. p. 19.

The Queen's account of this transaction given to Madame de Motteville shows the imperfect manner in which facts are remembered after a lapse of time, and the misrepresentations that occur when the recollections of the past are embittered by painful associations; it is indeed too incorrect to do much towards inculpating Sir Harry Vane or exculpating the King.

" Le Parlement témoigna peu de dessein de lui complaire. Il trouva " que les demandes du Roi étoient trop fortes et que le peuple en seroit " surchargé. Par là les parlementaires commencèrent à le mettre en " mauvaise odeur parmi les peuples, qui tous, et en tous pays, n'aiment " point à donner de l'argent. Dans cette conjoncture il arriva qu'un " Secrétaire d'Etat en qui le Roi avoit de la confiance, et que la Reine " même, le croyant fidèle, lui avoit donné, fit à ce prince, en haine de Straf- " ford, Viceroi d'Irlande et premier ministre, une insigne trahison; car, " ayant pris liaison avec les ennemis du Roi, et reçu ordre de lui d'aller au " Parlement de sa part porter ses volontés, il leur fit voir que le sentiment " de ce prince était fort contraire à leur désir. L'intention du Roi avoit " été de se contenter à bien moins qu'il n'avoit demandé, pourvu que ce " moins lui fût accordé surement, et qu'il en pût faire état; et comme " le Roi se mettoit entièrement à la raison, il commanda à ce Secrétaire " d'Etat, si ce Parlement ne s'y mettoit pas aussi, qu'il le congédiât de sa " part, et qu'ainsi le Parlement fût fini. Cet homme malintentionné leur " dit tout le contraire; il demeura ferme dans la première résolution du " Roi; et comme le Parlement y résista, il leur fit commandement de se " séparer. Ce procédé si dur, mais qui ne venoit point du Roi, aigrit tout " à fait les esprits contre lui."—*Mém. de Mad. de Motteville*, vol. ii. p. 96.

The question in agitation during this short Parliament was in no way affected by enmity to Lord Strafford; the question was of supply, and the illegality of raising revenue by means independent of, and unsanctioned by, Parliament. The Queen has also entirely omitted to mention that the ground on which the Parliament refused to comply with the King's demands was not only the amount of the sum, but the conditions on which it was to be granted. The King could be under no delusion as to the line adopted by the Solicitor-General, Mr. Herbert, and Sir Harry Vane, and he publicly sanctioned and confirmed the authority upon which they had acted in the House of Commons, by fulfilling the threat uttered in his name, and dissolving the Parliament the following day.

had come to the conviction that the Parliament would have voted him a supply but for the fatal declaration on authority that it would have been refused by him, "that he was heartily sorry for what he had done, and "denied having given such authority."[1] He even wished to recall by proclamation the Parliament he had thus hastily dissolved, but that was impossible. The King's will could not restore as it had destroyed, and thus ended the brief existence of the fourth Parliament of this reign, summoned from absolute necessity, and dismissed in haughty displeasure.

Such was the course of events that passed before Lord Falkland on his first introduction to Parliament. The seeds then sown in his mind were destined to ripen ere long into active participation in the affairs of state. The impression produced on his opinions by this short Parliament is thus described by Lord Clarendon:—

"From the debates, which were there managed with all "imaginable gravity and sobriety, he contracted such a "reverence for Parliaments that he thought it really "impossible they could ever produce mischief or "inconvenience to the kingdom, or that the kingdom "could be tolerably happy in the intermission of them. "And from the unhappy and unreasonable dissolution "of that Convention, he harboured, it may be, some "jealousy and prejudice to the Court, towards which he "was not before immoderately inclined."[2]

Parliament was no sooner dissolved than the King had recourse to every expedient for procuring money;

[1] Clarendon's 'Hist. of the Rebellion,' vol. i. p. 247; and see Appendix G.

[2] Ibid., vol. iv. p. 244.

and in less than three weeks, chiefly by a voluntary loan, 300,000*l.* was paid into the Exchequer, and an army was immediately raised to march into Scotland. Lord Essex was again slighted; his services of the preceding year were overlooked. The Earl of Northumberland was appointed General, and Lord Conway General of the Horse. The Earl of Northumberland was too ill to take the field, and the Earl of Strafford was appointed Lieutenant-General, that he might supply his place. Lord Conway submitted to a most shameful defeat at Newburn, and fled to Durham; the Earl of Strafford there met him, and the whole army retreated into Yorkshire, the Earl of Strafford afterwards joining the King at York. The difficulties of the King's position now began to press sorely on him; his appointing Lord Strafford had created great displeasure in the army;[1] his enemies were successful, his friends corrupted or disheartened, his treasury nearly exhausted, and immediate danger was to be apprehended of further invasion by the Scots, to whose progress little resistance was to be expected. In this difficulty he had recourse to an expedient which had not been practised for some hundred years. A council of all the Peers was called to attend the King at York, within twenty days, to give assistance by their advice. Two petitions had been

[1] "The Earl of Strafford bringing with him a body much broken with "his late sickness, which was not clearly shaken off, and a mind and "temper confessing the dregs of it, which, being marvellously provoked "and inflamed with indignation at the late dishonour, rendered him less "gracious, that is, less inclined to make himself so, to the officers." The result was, that in a short time the army "was more inflamed against "him than against the enemy."—*Clarendon's Hist. of the Rebellion*, vol. i. pp. 256, 257.

addressed to the King, one from the city of London, and another signed by twelve peers, to summon a Parliament; and when the Council assembled at York the 24th September, the King's opening speech announced that "he had of himself resolved to call Parliament," and had given orders "to the Lord Keeper to issue "writs, so that Parliament should be assembled by "the 3rd of November."[1] He then asked their advice and assistance how to deal with the Scots, and how to maintain his own army till Parliament met. It was agreed that a treaty should be set on foot, and Commissioners on the part of the King were appointed to meet those named by the Scots at Ripon. The treaty agreed to by the King's Commissioners was more favourable to the Scotch than to the English army. The Scots demanded the payment of their army, and the English Commissioners allowed a larger sum for their maintenance than that assigned for the same purpose to the King; 200,000*l.* was to be borrowed in the city, to be repaid out of the first grant by Parliament. For this temporary cessation of hostilities the Commissioners were to adjourn to London to complete the treaty, and thither the King and his Lords also repaired. The King was so little satisfied with his Commissioners, that he looked forward to the Parliament as "being more jealous of his honour" than they had been.[2] On the 3rd of November Parliament met. It

[1] Nalson's Coll., vol. i. p. 442.

[2] Lord Clarendon greatly attributes the favourable disposition of the English Commissioners towards the Scotch to their being quite uninformed as to the laws and customs of that kingdom, by which only

was the opening of that long eventful chapter of our history from which the great lessons of constitutional government are to be gathered; where the Prince was taught too late how fatal to himself it was to exceed the limits of prerogative; where the people learnt how dangerous to their liberty it became to usurp as privileges the sovereign power.

The King had weakened the Crown by the abuse of its influence: the use of its authority was afterwards wanting to redress the balance which had been disturbed. He had leaned on the vicious support of prerogatives that, whilst they seemed to add strength to the throne, destroyed its healthy vigour. The skilful hand of the reformer could now alone have saved its existence; but it was in no state to withstand those ruder attacks of revolution which its weakness provoked.

The reform of grievances that were fast subverting the constitution was a task no less congenial to the principles of such men as Lord Falkland and Hyde than to those of Pym and Hampden; but a period was

could they judge whether the King had exceeded his just power in the past transactions; and that, being dependent on the Scotch for information, they were indirectly influenced by their statements, as well as colouring of facts.—*Hist. of the Rebellion*, vol. i. p. 288.

This opinion does not, however, tally with the fact that, in addition to the sixteen Commissioners employed in making the treaty, six more were added "because the Commissioners, for their better proceeding and infor- "mation, desired some such assistance to be present with them at the "treaty as were either versed in the laws of Scotland, or had been "formerly acquainted with the passages of this business." The following were named and appointed assistants by his Majesty, viz. Earl of Traquair, Earl of Morton, Earl of Lanerick, Mr. Secretary Vane, Sir Lewis Steward, and Sir John Burrough.—Rushworth, Coll., vol. iii. p. 1276.

soon to arise when neither the conscientious royalist nor the honest patriot could have trod with unmixed satisfaction the path that he had chosen, or rather the path which events had forced upon his choice.

The King, having been disappointed in the person he had wished to make Speaker of the House of Commons, prevailed on Mr. Lenthall, a lawyer, to fill that office. The Commons began actively to apply themselves to the business of the country. Much that had passed in the interval between the dissolution of the last short Parliament and the calling together of the present must have tended to produce the change described by Lord Clarendon. "The same men," says he, "who "six months before were observed to be of very mode-"rate tempers and to wish that gentle remedies might be "applied, without opening the wound too wide, and ex-"posing it to the air, and rather to cure what was amiss "than too strictly to make inquisition into the cause "and original of the malady, talked now in another "dialect both of things and persons."[1] The first occasion on which Lord Falkland seems to have addressed the House was on the impeachment of the Earl of Strafford of high treason on the 11th of November. This proposition was no sooner mentioned than, as Lord Clarendon states, "it found an universal approbation and "consent from the whole House, nor was there in all "the debate one person who offered to stop the torrent "by any favourable testimony concerning the Earl's "carriage." Lord Falkland fully shared in the unfa-

[1] Clarendon's 'Hist. of the Rebellion,' vol. i. p. 298.

vourable opinion of Lord Strafford, and deeply felt the danger of his evil counsels: his private feelings were also enlisted against him, "from the memory of some "unkindnesses, not without a mixture of injustice, "from him towards his father,"[1] yet *he* was the only member of the House of Commons, who, when the proposition was made for the immediate accusation of High Treason,[2] "desired the House to consider whether "it would not suit better with the gravity of their pro- "ceedings first to digest many of those particulars which "had been mentioned, by a Committee, before they sent "up to accuse him, declaring himself to be abundantly "satisfied that there was enough to charge him." This honest desire that no point should be stretched to hasten the accusation of the Minister, whom he regarded not only as guilty of treasonable abuse of power in his public capacity, but also as a private enemy to his own family, shows that Lord Falkland was above the blindness of party spirit on a question of party struggle, and incapable of being influenced in his conduct against a public man on personal grounds. His suggestion was rejected by Mr. Pym, not on the ground of its being in itself objectionable, but on that of distrust of Lord Strafford's influence, fearing that, should he have access to the King, he might use his power to procure the dissolution of Parliament, in order to save himself from further proceedings.[3] The sudden dissolution of former Parliaments, to avert an unwelcome interference with the favoured ministers, might readily account for the fear

[1] Clarendon's 'Hist. of the Rebellion,' vol. iv. p. 245.
[2] Ibid., vol. i. p. 303. [3] Nalson, vol. i. p. 654.

of delay avowed by Pym, and affords an early example in the measures of the Long Parliament of that spirit of hasty legislation which arises from the expectation of having to act on the defensive.

Petitions from various places, complaining of different grievances, were presented; and on the occasion of one being read from Watford (Herts), against ship-money, on the 4th December,[1] Lord Falkland spoke at some length on the illegality of the tax and on the opinion of the Judges. After some apologies for undertaking the task imposed upon him, by being intrusted with the report of the Committee, he disclaimed any personal hostility towards those against whom he had to speak, and adds that public interest alone extorted from him that which, to use his own words, "I would not say if "I conceived it not so true and so necessary, that no "undigested meat can lie heavier upon the stomach "than this unsaid would have lain upon my conscience." "Mr. Speaker," continued he, "the constitution of this "commonwealth hath established, or rather endea- "voured to establish, to us the security of our goods, "and the security of those laws which would secure us "and our goods, by appointing for us Judges so settled, "so sworn, that there can be no oppression but they of "necessity must be necessary; since, if they neither "deny nor delay us justice, which neither for the great "or little seal they ought to do, the greatest person in "this kingdom cannot continue the least violence upon "the meanest. But this security, Mr. Speaker, hath "been almost our ruin, for it hath been turned, or rather

[1] Nalson, Coll., vol. i. p. 654.

" turned itself, into a battery against us; and those per-
" sons who should have been as dogs to defend the
" sheep, have been as wolves to worry them."

" These Judges," he continued, " have delivered an
" opinion and judgment in an extra-judicial manner,
" that is, such as came not within their cognizance, they
" being Judges, and neither philosophers nor politicians."
He then alludes to the opinion delivered by the Judges,
and comments thus forcibly upon its culpability:—" In
" this judgment they contradicted both many and learned
" acts and declarations of Parliament, and those in this
" very case,—in this very reign,—so that for them they
" needed to have consulted with no other record but
" with their memories." The plea of imminent danger
alleged by the Judges to justify the King's right to im-
pose the tax of ship-money is thus treated:—" They
" have contradicted apparent evidences by supposing
" mighty and imminent dangers in the most serene, quiet,
" and halcyon days that could possibly be imagined; a
" few contemptible pirates being our most formidable
" enemies, and there being neither Prince nor State
" with whom we had not either alliance, or amity, or
" both. They contradict the writ itself, by supposing
" that supposed danger to be so sudden that it would
" not stay for a Parliament, which required but forty
" days' stay, and the writ being in no such haste, but
" being content to stay forty days seven times over. Mr.
" Speaker, it seemed generally strange that they saw not
" the law, which all men else saw but themselves." Such
conduct, he declared, created " general great wonder,"
but that still greater indignation was felt at the reason

given for their judgment than even at the illegal writ itself; "and that, after they had allowed to the King the "sole power in necessity, and the sole judgment of neces- "sity, and by that enabled him to take both from us, *what* "he would, *when* he would, and *how* he would,—that "they yet wished to persuade us that they had left us our "liberties and properties." He complained that, "by "the transformation of us from free subjects unto that "of villeins, they disable us by legal and voluntary sup- "plies from expressing our affection to his Majesty, and "by that to cherish his to us, that is, by Parliaments." He then attributes all the miseries we have suffered, and should yet suffer, to this cause, "that a most excellent "Prince hath been most infinitely abused by his Judges, "telling him that by policy he might do what he "pleased;"—and that "since these men have trampled "upon the laws which our ancestors have provided with "their utmost care and wisdom for our undoubted "security—words having done nothing, and yet they "have done all that words can do,—we must now be "forced to think of abolishing of our grievances, and of "taking away this judgment and these Judges together, "and of regulating their successors by their exemplary "punishment."

He then alludes to the accusation of Lord Strafford "for intending to subvert our fundamental laws, and to "introduce arbitrary government, which we suppose he "meant to do; we are sure these have done it, there "being no law more fundamental than that they have "already subverted, and no government more absolute "than that they have really introduced. Not only the

" severe punishment, but the sudden removal of these " men," he deems " will have a sudden effect in one " very considerable consideration." " We only accuse," continued he, " and the House of Lords condemn; in " which condemnation they usually receive advice " (though not direction) from the Judges." He pointedly remarks on the bias likely to be given by self-interest, in the advice of accused persons, and then, in a strain of eloquent indignation, directs his attack against the person whom he regarded as most guilty. " Mr. " Speaker," said he, " there is one that I must not lose " in the crowd, whom I doubt not but we shall find, " when we examine the rest of them, with what hopes " they have been tempted, by what fears they have been " assayed, and by what and by whose importunity they " have been pursued, before they consented to what " they did; I doubt not, I say, but we shall find him to " have been a most admirable solicitor, but a most " abominable judge; he it is who not only gave away " with his breath what our ancestors had purchased for " us by so large an expense of their time, their care, " their treasure, and their blood, and employed their " industry, as great as his injustice, to persuade them to " join with him in that deed of gift; but strove to root " up those liberties which they had cut down, and to " make our grievances immortal, and our slavery " irreparable, lest any part of our posterity might " want occasion to curse him; he declared that power " to be so inherent to the Crown, as that it was " not in the power even of Parliaments to divide " them."

That the Lord Keeper[1] is the person thus spoken of, he says "will be to tell them no news:" but he then reminds the House "that his place admits him to his "Majesty, and trusts him with his Majesty's con- "science;" as well as giving him "unlimited power in "Chancery;" adding, "For my part, I think no man "secure that he shall think himself worth anything "when he rises, whilst all our estates are in his breast "who hath sacrificed his country to his ambition; "whilst he who hath prostrated his own conscience hath "the keeping of the King's; and he who hath undone "us already by wholesale hath a power left in him "by retail." He then alludes to the Lord Keeper's own speeches in the beginning of the Parliament, when he declared "that his Majesty never required any- "thing from any of his Ministers but justice, and in- "tegrity; against which if any of them have trans- "gressed, upon their heads, and that deservedly, it "ought to fall; it was full and truly said; but he hath "in this saying pronounced his own condemnation. "We shall be more partial to him than he is to himself "if we be slow to pursue it."

In conclusion Lord Falkland moved that a select Committee "might draw up his and their charge;[2] and "if he shall be found guilty of tampering with judges "against the public security, who thought tampering "with witnesses in a private cause worthy of so great a "fine,—if he should be found to have gone before the "rest to this judgment, and to have gone beyond the

[1] Lord Keeper Finch. [2] Viz. against the Lord Keeper and the Judges.

"rest in this judgment, that in the punishment of it "the justice of this House may not deny him the due "honour both to precede and exceed the rest."

This speech was productive of important results. Four resolutions were passed in the House, declaring that the "raising of ship-money," that the "extra-"judicial opinion of the Judges," "the ship-writs," and the "judgment in Mr. Hampden's case were all "contrary to the laws of the realm, rights of property, "and petition of right, &c." Mr. Hyde proposed that a Committee should be appointed to ascertain if the Judges had been threatened or solicited to give their judgment on ship-money; and as delay might have frustrated the object, it was proposed that two of the Committee should go immediately "to visit all the "Judges, and ask them apart, in the name of the Com-"mons, what messages Lord Finch, when Chief Justice "of the Common Pleas, had brought them from the "King in the business of ship-money; and whether "he had not solicited them to give judgment for the "King in that case."[1]

The motion was generally approved; Lord Falkland and Mr. Hyde were included in the members of the Committee.[2] The result of the investigation was, that Justice Croke and others confessed that the Lord Chief Justice Finch had frequently, whilst that matter was pending, earnestly solicited them to give their judgments for the King, and often used his Majesty's name to them, as if he expected that compliance from them.

[1] Clarendon's 'Hist. of the Rebellion,' vol. i. p. 523. Appendix B.

[2] Rushworth, Coll., vol. iv. p. 88.

On the 21st of December the Lord Keeper desired "to be heard to speak for himself before any vote pass "against him." A chair was placed at the bar for him, on which he laid the "Great Seal, and would "neither sit down nor wear his hat, though the Speaker "motioned to him to do so; but, standing and bare-"headed,[1] made a very elegant and ingenious speech, "delivered with an excellent grace and gesture as well "as words;"[2] partly a vindication of his conduct, and partly a submissive appeal to their feelings and their favour. He succeeded in moving the compassion of some of his hearers, but not in justifying his conduct. He was voted guilty by the House on four principal charges, and Lord Falkland was appointed to carry up the accusation to the House of Peers the following day. But earlier still had the Lord Keeper risen: he dared not face the accusation, and fled in disguise to Holland. The articles of impeachment were ordered to be carried up to the Lords on the 14th of January, and, at the request of Lord Falkland, Mr. Hyde "was appointed "to be assistant unto him for the reading of the articles "to be declared against the late Lord Keeper."[3] The Lords, sitting in Committee of the whole House, gave the Commons the desired meeting. Lord Falkland began his address by a modest reference to himself, saying, "These articles against my Lord Finch being "read, I may be bold to apply that of the poet, 'Nil "refert tales versus quâ voce legantur.'" He then enlarges on the crimes of the Lord Keeper, "whose life,"

[1] Nalson, Coll., vol. i. p. 693. [2] Whitelock's Memorials, p. 38.
[3] Rushworth, vol. iv. p. 139.

he says, "appears a perpetual warfare (by mines and "by battery, by battle and by stratagem) against our "fundamental laws, which (by his own confession) "several conquests had left untouched,—against the "excellent constitution of this kingdom, which hath "made it appear unto strangers rather an idea than a "real commonwealth, and produced the honour and "happiness of this to be a wonder of every other "nation; and this with such unfortunate success, that, "as he always intended to make our ruins a ground of "his advancement, so his advancement the means of "our further ruin." Lord Falkland then enters in detail upon the several articles of his impeachment, of which the principal grounds were, disobeying the House when Speaker in the Parliament of 1628, by refusing to put a motion at their command; using threats and persuasions to the Judges on the opinion given on ship-money; pronouncing cruel and illegal sentences in the forest causes, when Chief Justice of the Common Pleas; advising the King against Parliaments, and framing and advising the publication of the King's declaration after the last Parliament. "If what he had plotted," continued Lord Falkland, "had taken root on this wealthy and happy kingdom, "there could have been left no abundance but of "grievances and discontentment, no satisfaction but "amongst the guilty. It is generally observed of the "plague, that the infection of others is an earnest and "constant desire of all that are seized by it; and as "this design resembles that disease in the ruin, de-"struction, and desolation it would have wrought, so it

" seems no less like it in this effect; for having so " laboured to make others share in that guilt, that his " solicitation was not only his action but his works— " making use both of his authority, his interest, and im- " portunity to persuade; and in his Majesty's name " (whose piety is known to give that excellent preroga- " tive to his person that the law gives to his place—not " to be able to do wrong) to threaten the rest of the " Judges to sign opinions contrary to law, to assign " answers contrary to their opinions, to give judgment " which they ought not to have given, and to recant " judgment when they had given it as they ought." He observes that this was plotted against England by an Englishman, " which increaseth the crime in no less " degree than parricide is beyond murther." Also, " that " he had turned our guard into a destruction, making " law the ground of illegality." He alleges that this is a treason " as well against the King as against the " kingdom; for whatever is against the whole is un- " doubtedly against the head;" that " it takes from his " Majesty the ground of his rule—the laws; and that it " takes from his Majesty the principal honour of his " rule—the ruling over free men—a power as much " nobler than over villeins, as that is than that over " beasts; which endeavoured to take from his Majesty " the principal support of his rule, the hearts and " affections of those over whom he rules (a better and " surer strength and wall to the King than the sea is " to the kingdom), and strengthen a mutual distrust, " and by that a mutual disaffection, between them, to " hazard the danger even of the destruction of both."

He then alludes to the personal concern their Lordships have in preserving their common liberties, founded and asserted by their noble ancestors, and resisting the establishment of an arbitrary government, that would have made "even their Lordships and their posterity "but right honourable slaves." "My Lords," adds he, in conclusion, "I will spend no more words, *luctando* "*cum larva*, in accusing the ghost of a departed person, "whom his crimes accuse more than I can do, and his "absence accuseth no less than his crimes. Neither will "I excuse the length of what I have said, because I "cannot add to an excuse without adding to the fault "or my own imperfections, either in the matter or the "manner of it, which I know must appear the greater "by being compared with that learned gentleman's "great ability, who hath preceded me at this time; and "I will only desire, by the command and in behalf of "the House of Commons, that these proceedings against "the Lord Finch may be put in so speedy a way of "dispatch as in such cases the course of Parliament will "allow."[1]

The following day (Jan. 14th, 1640) the thanks of the House of Commons were "ordered to Mr. St. John "and Mr. Whitelock, the Lord Falkland and Mr. "Hyde, for the great services they have performed to "the honour of this House and the good of the Com-"monwealth in their conduct of this business."[2] Lord Clarendon describes Lord Falkland as "so rigid an "observer of established laws and rules, that he could

[1] Rushworth, vol. iv. pp. 139-41. [2] Ibid., p. 141.

" not endure the least breach or deviation from them; " and thought no mischief so intolerable as the pre- " sumption of Ministers of State to break positive rules " for reasons of State, or judges to transgress known " laws upon the title of conveniency or necessity." [1] But whilst Lord Clarendon acquits his friend of every tinge of personal hostility in the severity of his judgment against the Earl of Strafford and Lord Finch, he speaks of his having been "misled by the authority of " those who, he believed, understood the laws perfectly." If Lord Falkland's opinions, however, were unsound on these subjects, it must be observed that they were fully shared by Mr. Hyde, at least with regard to Lord Finch and the Judges, and sanctioned by the House of Commons. They acted together throughout that business; and Lord Clarendon, in reviewing the evils that the Crown and State sustained by the deserved reproach and infamy that attended the Judges, in being made use of in this and like acts of power, thus forcibly expresses himself:—" Imminent necessity and public " safety were convincing persuasions, and it might not " seem of apparent ill consequence to the people that " upon an emergent occasion the royal power should " fill up an hiatus or supply an impotency in the law. " But when they saw in a court of law (that law " that gave them title to and possession of all that they " had) reason of State urged as elements of law, judges " as sharp-sighted as Secretaries of State and in the " mysteries of State; judgment of law grounded upon

[1] Hist. of the Rebellion, vol. iv. p. 245.

"matter of fact of which there was neither inquiry nor "proof; and no reason given for the payment of the "30*s.* in question, but what included the estates of all "the standers-by; they had no reason to hope that the "doctrine or the promoters of it would be contained "within any bounds." Nor does he scruple to attribute "the exorbitancy of the House of Commons in their next "Parliament principally to their contempt of the laws "which the scandal of this judgment" had produced.[1] Such were the just remarks called forth from the historian of his own times, by the recollection of events which he had witnessed, by the impression which they had made on himself and his contemporaries, and by the experience of the unfortunate influence which they exercised on the subsequent conduct of affairs.

[1] Hist of the Rebellion, vol. i. pp. 123, 124.

CHAPTER III.

Petitions against the Bishops — Debate in the House of Commons on Episcopal Government — Speech of Lord Falkland — Measures in progress respecting Episcopacy — their Nature — Proceedings thereon in both Houses — Lord Falkland's course in reference to them — He differs from Mr. Hyde.

THE accusation of Lord Keeper Finch was but one step on the path that was now pursued by those strenuous supporters of legal and constitutional rights who determined to resist the undue exercise of power in Church and State to which the lofty pretensions of the Crown and the long absence of Parliament had mainly contributed. The impeachment of Strafford had taken place as early as the 11th of November. In the first week in December Mr. Secretary Windebank received notice to appear at the House of Commons, to answer such questions as should be propounded to him upon information there delivered against him; but Secretary Windebank conceived it safer to elude than to meet his difficulties, and accordingly, when he was called for and expected to appear, it was discovered that he had already fled beyond sea.

Wren, Bishop of Ely, was impeached; and on the 18th of December Laud was voted by the House of Commons to be a traitor. Lord Clarendon speaks of the unfavourable opinion that Lord Falkland enter-

tained of the Archbishop, but there is no proof that he took part in his impeachment. His opinion on the use and abuse of episcopacy was fully developed in his speech delivered on that subject on the 9th of February, 1640–1. Petitions numerously signed had been presented to Parliament on the 11th, 12th, 19th, and 23rd of December, from London, from Kent, from Gloucester, and from certain ministers of the Church, all alleging their manifold grievances from the oppression of the Bishops, and praying for the abolition of episcopacy. The grievances complained of in the different petitions generally agree, and are reasserted with great boldness in the speeches of those who supported their object, whilst so much of their truth is admitted by those who warmly opposed the prayer of the petitions, as leaves no doubt of the serious provocation received at the hands of a despotic hierarchy.[1]

The London petition was signed by 15,000 people, and contained an elaborate detail of the causes of complaint divided into twenty-eight articles. There is so much inequality in the gravity of some of the charges as compared with others, that the more trivial must be

[1] Lord Digby spoke in strong and even contemptuous terms of many articles in the London petition, yet he scrupled not to declare "there "was no man within those walls more sensible of the heavy grievances "of Church government, nor whose affections were keener to the clipping "of the wings of the prelates, whereby they have mounted to such inso-"lencies; nor whose zeal was more ardent to the searing them so as they "may never spring again." He acknowledges "that no people have ever "been more provoked than the generality of England of late years by the "insolencies and exorbitancies of these prelates." He even speaks of the practices of these Churchmen as seeming "a scourge employed by "God upon us for the sins of the nation."—Rushworth, Coll., vol. iv. pp. 170-172.

taken rather as proofs of the irritation excited by real grievances and fear of further usurpation, than as being deemed by the petitioners of equal importance in themselves. The revival of particular forms in worship, the peculiar cut of vestments, the internal arrangement and decoration of the churches, the introduction of pictures, candlesticks, and images on the Communion table, the selling of crucifixes, the strict observance of saints' days, the publication of some books deemed too light for edification, and the hindering of others from being printed which were held as "godly," could never have found their place by the side of charges that most deeply affected the civil and religious condition of the Church of England, had they not been viewed as so many indications of a design to assimilate and reunite with the Church of Rome, then declared by the prelates, in defiance of the 19th Article of their own Church, "*never to have erred in fundamentals.*"[1] Any alteration of external forms or observances is justly regarded with jealousy when it is suspected as a part of some deeper and more extensive change; and although posterity may differ as to the amount of real danger of reunion with the Church of Rome, no one can calmly look back to the overgrown power of episcopal government, its assumption of divine authority, its independence and defiance of civil authority, its imposition of new oaths and frequent exercise of the terrors of excommunication, without admitting that there was reasonable ground for alarm in the tendency

[1] Rushworth, vol. iv. p. 6.

exhibited by so powerful an ecclesiastical body, whether that tendency pointed to rejoining the Church of Rome, or establishing a similar supremacy in the Church at home. The discussion of the London and other petitions on the 8th of February gave rise to the debate on episcopal government, in which Lord Falkland addressed the House in the following speech :—

"Mr. Speaker,—He is a great stranger in Israel "who knows not this kingdom hath long laboured under "many and great oppressions both in religion and "liberty; and his acquaintance here is not great, or "his ingenuity less, who doth not both know and acknow- "ledge that a great, if not a principal cause of both "these have been some Bishops and their adherents. "Mr. Speaker, a little search will serve to find them "to have been the destruction of unity, under pretence "of uniformity—to have brought in superstition and "scandal under the titles of Reverence and Decency "—to have defiled our Church by adorning our "churches—to have slackened the strictness of that "union which was formerly between us and those of "our religion beyond the sea: an action as impolitic "as ungodly. We shall find them to have tithed mint "and anise, and have left undone the weightier works "of the law." . . . "It hath been more dangerous for "men to go to some neighbour's parish when they had "no sermon in their own than to be obstinate and "perpetual recusants; while masses have been said in "security, a conventicle hath been a crime; and, "which is yet more, the conforming to ceremonies "hath been more exacted than the conforming to

" Christianity." . . . . "We shall find them to be like " the hen in Æsop, which, laying every day an egg " upon such a proportion of barley, her mistress in- " creasing her proportion in hopes she would increase " her eggs, she grew so fat upon that addition that she " never laid more; so, though at first their preaching " were the occasion of their preferment, they after " made their preferment the occasion of their not " preaching. We shall find them to have resembled " another fable—the Dog in the Manger,—to have " neither preached themselves, nor employed those that " should, nor suffered those that would." Lord Falkland describes the check given to instruction for " the " introduction of ignorance, which would best introduce " that religion which accounts it *the mother of devotion*;" and he also adverts to the preference shown to the preaching of that doctrine, " which, though it were not " contrary to law, was contrary to custom, and for a " long while in this kingdom was no oftener preached " than recanted. The truth, Mr. Speaker, is," continued he, " that, as some ill ministers in our State first " took away our money from us, and after endeavoured " to make our money not worth the taking, by turning " it into brass by a kind of anti-philosopher's stone, so " these men used us in the point of preaching—first " depressing it to their power, and next labouring to " make it such as the harm had not been much if it " had been depressed. The most frequent subjects even " in the most sacred auditories being the jus divinum " of bishops and tithes, the sacredness of the clergy, " the sacrilege of impropriations, the demolishing of

" Puritanism and propriety, the building of the pre-
" rogative at Paul's, the introduction of such doctrines
" as, admitting them true, the truth would not recom-
" pense the scandal, or such as were so far false that,
" as Sir Thomas More says of the Casuists, their
" business was not to keep men from sinning, but to
" confirm them—Quam prope ad peccatum sine peccato
" liceat accedere; so it seemed their work was to try
" how much of a papist might be brought in without
" Popery, and to destroy as much as they could of the
" Gospel without bringing themselves into danger of
" being destroyed by the law.

" Mr. Speaker, to go yet further, some of them have
" so industriously laboured to deduce themselves from
" Rome, that they have given great suspicion that in
" gratitude they desire to return thither, or at least to
" meet it half-way. Some have evidently laboured to
" bring in an English, though not a Roman, Popery;
" I mean, not only the outside and dress of it, but
" equally absolute, a blind dependence of the people
" upon the clergy, and of the clergy upon themselves,
" and have opposed the Papacy beyond the seas that
" they might settle one beyond the water.[1] Nay,
" common fame is more than ordinarily false if none
" of them have found a way to reconcile the opinions
" of Rome to the preferments of England, and to be so
" absolutely, directly, and cordially Papists, that it is
" all that fifteen hundred pound a year can do to keep
" them from confessing it.

[1] Referring to Lambeth Palace.

"Mr. Speaker, I come now to speak of our liberties; "and considering the great interest these men have "had in our common master,[1] and considering how "great a good to us they might have made that interest "in him, if they would have used it to have informed "him of our general sufferings; and considering how "a little of their freedom of speech at Whitehall might "have saved us a great deal of the use we have now "of it in the Parliament House,—their not doing this "alone were occasion enough for us to accuse them as "the *betrayers*, though not as the *destroyers*, of our "rights and liberties; though I confess that, if they had "been only *silent* in this particular, I had been silent "too. But, alas! they, whose ancestors in the darkest "times excommunicated the breakers of Magna Charta, "did now by themselves and their adherents both write, "preach, plot, and act against it, by encouraging Dr. "Beale, by preferring Dr. Mainwaring, appearing for- "ward for monopolies and ship-money, and, if any were "slow and backward to comply, blasting both them and "their preferment with the utmost expression of their "hatred, the title of Puritan.

"Mr. Speaker, we shall find some of them to have "laboured to exclude both all persons and all causes of "the clergy, from the ordinary jurisdiction of the tem- "poral magistrate, and by hindering prohibitions (first "by apparent power against the judges, and after by "secret arguments with them) to have taken away the "only legal bound to their arbitrary power, and made,

[1] Referring to the King.

" as it were, a conquest upon the common law of the " land, which is our common inheritance, and after " made use of that power to turn their brethren out of " their freeholds, for not doing that which *no law of* " *man* required of them to do, and which (in their " opinions) *the law of God* required of them not to do. " We shall find them in general to have encouraged all " the clergy to suits, and to have brought all suits to " the Council-table; that, having all power in ecclesi- " astical matters, they laboured for equal power in " temporal, and to dispose as well of every office as of " every benefice, which lost the clergy much time and " much reverence (whereof the last is never given when " it is so asked), by encouraging them indiscreetly to " exact more of both than was due; so that indeed the " *gain* of their greatness extended but to a few of that " order, though the *envy* extended upon all.

" We shall find of them to have both kindled and " blown the common fire of both nations, to have both " sent and maintained that book, of which the author " no doubt hath long since wished with Nero, *utinam* " *nescissem literas*, and of which more than one kingdom " hath cause to wish, that when he writ that he had " rather burned a library, though of the value of " Ptolemy's. We shall find them to have been the " first and principal cause of the breach, I will not say " of, but since, the pacification at Berwick. We shall " find them to have been the almost sole abettors of my " Lord Strafford, whilst he was practising upon another " kingdom that manner of government which he in- " tended to settle in *this*; where he committed so many

" mighty and so manifest enormities and oppressions, as " the like have not been committed by any governor in " any government since Verres left Sicily; and after " they had called him over from being Deputy of Ire- " land to be in a manner Deputy of England (all " things here being governed by a *junctillo*, and the " *junctillo* governed by him), to have assisted him in the " giving such counsels and the pursuing of such courses, " as it is a hard and measuring cast whether they " were more *unwise*, more *unjust*, or more *unfortunate*, " and which had infallibly been our destruction if by " the grace of God their share had not been as small " in the subtility of serpents as in the innocency of " doves.

" Mr. Speaker, I have represented no small quan- " tity and no mean degree of guilt; and truly I believe " that we shall make no little compliment to those, and " no little apology for those, to whom this charge " belongs, if we shall lay the faults of these men upon " the order of the Bishops—upon the Episcopacy. I " wish we may distinguish between those who have been " carried away by the stream and those who have been " the stream that carried them—between those whose " proper and natural motion was towards our ruin and " destruction, and those who have been whirled about " to it contrary to their natural motion by the force " and swing of superior orbs; and as I wish we may " distinguish between the more and less guilty, so I yet " more wish we may distinguish between the guilty and " the innocent.

" Mr. Speaker, I doubt, if we consider that, if not

" the first planters, yet the first spreaders of Chris-
" tianity and the first and chief defenders of Christianity
" against heresy within and paganism without, not only
" with their ink but with their blood, and the main
" conducers to the resurrection of Christianity, at least
" here in the Reformation, and that we owe the light
" of the Gospel we now enjoy to the fire they endured
" for it, were all bishops; and that even now, in the
" greatest defection of that order, there are yet some
" who have conduced in nothing to our late innovations
" but in their silence—some who, in an unexpected and
" mighty place and power, have expressed an equal
" moderation and humility, being neither ambitious
" before nor proud after, either of the crozier's staff or
" white staff—some who have been learned opposers of
" Popery and zealous suppressors of Arminianism—
" between whom and their inferior clergy infrequency
" of preaching hath been no distinction—whose lives
" are untouched, not only by *guilt* but by *malice*, scarce
" to be equalled by those of any condition, or to be
" excelled by those of any calendar;—I doubt not, I
" say, but, if we consider this, this consideration will
" bring forth this conclusion—that *bishops may be good*
" *men;* and let us give but good men good rules, we
" shall have both good governors and good times.

" Mr. Speaker, I am content to take away all those
" things from them which to any considerable degree
" of probability may again beget the like mischiefs if
" they be not taken away. If their temporal title,
" power, and employment appear likely to distract
" them from the care of, or make them look down with

" contempt upon, their spiritual duty, and that the too " great distance between them and those they govern " will hinder the free and fit recourse of their inferiors " to them, and occasion insolence from them to their " inferiors, let that be considered and cared for. I " am sure neither their *Lordships*, their judging of " *tithes*, *wills*, and *marriages*, no, not their *voices in* " *Parliaments*, are *jure divino*; and I am sure that " these titles and this power are not necessary to their " authority, as appears by the little they have had with " us by them, and the much that others have had " without them.

" If their revenue shall appear likely to produce the " same effects—for it hath been anciently observed that " *Religio peperit divitias et filia devoravit matrem*— " let so much of that as was in all probability intended " for an attendant upon their temporal dignities wait " upon them out of the doors; let us only take care to " leave them such proportions as may serve in some " good degree to the dignity of learning and the en- " couragement of students; and let us not invert that " of Jeroboam, and, as he made the *meanest* of the people " *priests*, make the highest of the priests the *meanest* of " the people. If it be feared that they will again " employ some of our laws with a severity beyond the " intention of those laws against some of their weaker " brethren, that we may be sure to take away that " power let us take away those laws, and let no cere- " monies which any number counts *unlawful*, and no " man counts *necessary*, against the rules of policy and " St. Paul, be imposed upon them. Let us consider

" that part of the rule they have hitherto gone by—
" that is, such canons of their own making as are not
" confirmed by Parliament—have been, or, no doubt,
" shortly will be, by Parliament taken away. That the
" other part of the rule (such canons as were here re-
" ceived before the Reformation, and not contrary to
" law) is too doubtful to be a fit rule; exacting an exact
" knowledge of the *canon law*, of the *common law*, of
" the *statute law*: knowledges which those who are thus
" to govern have not, and it is scarce fit they should
" have. Since, therefore, we are to make new rules,
" and shall, no doubt, make those rules strict rules, and
" be infallibly certain of triennial Parliaments to see
" those rules observed as strictly as they are made, and
" to increase or change them upon all occasions, we shall
" have no reason to fear any innovation from their
" tyranny, or to doubt any defect in the discharge of
" their duty. I am as confident they will not dare
" either ordain, suspend, silence, excommunicate, or
" deprive otherwise than we would have them; and if
" this be believed, we shall not think it fit to abolish
" upon a few days' debate an order which hath lasted
" (as appears by story) in most Churches these sixteen
" hundred years, and in all from Christ to Calvin; or
" in an instant change the whole face of the Church
" like the scene of a mask. Mr. Speaker, I do not
" believe them to be *jure divino*—nay, I believe them
" not to be *jure divino*; but neither do I believe them
" to be *injuriâ humanâ*. I neither consider them as
" necessary nor as unlawful, but as convenient or incon-
" venient. But since all great mutations in govern-

"ment are dangerous (even where what is introduced "by that mutation is such as would have been profitable "upon a primary foundation); and since the greatest "danger of mutations is, that all the dangers and incon- "veniences they may bring are not to be foreseen; and "since no wise man will undergo great danger but for "great necessity, my opinion is, that we should not "root up this ancient tree, as dead as it appears, till we "have tried whether by this or the like topping of the "branches the sap, which was unable to feed the whole, "may not serve to make what is left both grow and "flourish. And certainly, if we may at once take away "both the inconveniences of bishops and the incon- "veniences of no bishops—that is, an almost universal "mutation—this course can only be opposed by those "who love mutation for mutation's sake.

"Mr. Speaker, to be short (as I have reason to be "after having been so long); this trial may be suddenly "made. Let us commit as much of the ministers' "remonstrance as we have read, that those heads, both of "abuses and grievances, which are there fully collected, "may be marshalled and ordered for our debate. If "upon the debate it shall appear that those may be "taken away and yet the order stand, we shall not "need to commit the London petition at all, for the "cause of it will be ended; if it shall appear that the "abolition of the one cannot be but by the destruction "of the other, then let us not commit the London "petition, but let us grant it." [1]

[1] Rushworth, Coll., vol. iv. pp. 184-186.

Lord Falkland's speech was followed by others, and the result of this long debate was, "The further consideration thereof being referred to the Committee "formerly appointed for the London and other petitions," six more members being added to the Committee.[1] The questions raised by the discussion of these petitions became so important at this period, that it may not be amiss in a few words to trace the course pursued by the two Houses of Parliament respecting the two separate propositions of reformation or demolition of episcopacy. On the 11th of March it was resolved in the House of Commons[2] that, "for bishops and any "other clergymen whatever to be in the commission of "the peace, to have any judicial power in the Star "Chamber or in any civil court, is a hindrance to their "spiritual function, prejudicial to the commonwealth, "and fit to be taken away." It was also resolved that the legislative and judicial power of the Bishops in the House of Peers is a great hindrance to the discharge of their spiritual function, prejudicial to the commonwealth, and fit to be taken away by bill, and that a bill be drawn to that purpose.[3]

This bill, according to Lord Clarendon's account, was "received in the House of Commons with a visible coun-"tenance and approbation of many who were neither "of the same principles nor purposes;"[4] and the arguments used in its favour "had so prevailed over many "men of excellent judgments and unquestionable affec-

[1] Rushworth, Coll., vol. iv. p. 187. [2] Parl. Hist., vol. ii. p. 725.
[3] Journals of the House of Commons, vol. ii. p. 101.
[4] Clarendon's 'Hist. of the Rebellion,' vol. i. p. 410.

" tions, that they in truth believed that the passing this " Act was the only expedient to preserve the Church."[1] In that opinion Lord Falkland shared; and it was in the debate arising out of this bill that Lord Clarendon graphically describes the first difference of opinion between Lord Falkland and himself, the malicious pleasure it occasioned to those who loved neither of them, and the hope to which it gave rise amongst their political opponents that by loosening the bonds of their close friendship Lord Falkland might be won over to their ranks. Mr. Hyde spoke very earnestly for throwing out the bill, on the ground of its being a change both in the constitution of the kingdom and of the Parliament; asserted the right of bishops to vote as the third estate of the realm; and maintained that the clergy would be unrepresented if the Bishops were deprived of their votes in the House of Lords.

" Lord Falkland,[2] who always sat next to Mr. Hyde " (which was so much taken notice of, that, if they came " not into the House together, as usually they did, " everybody left the place for him that was absent), " suddenly stood up, and declared himself to be of " another opinion; and that, as he thought the thing " itself to be absolutely necessary for the benefit of the " Church which was in so great danger, so he had never " heard that the Constitution of the kingdom would be " violated by the passing that Act, and that he had " heard many of the clergy protest that they would not " acknowledge that they were represented by the

[1] Clarendon's 'Hist. of the Rebellion,' vol. i. p. 411.
[2] Ibid., pp. 412, 413.

"Bishops. However, he continued, 'we might pre-
"'sume that, if they could make that appear, that
"'they were a third estate, that the House of Peers
"'(amongst whom they sat and had yet their votes)
"'would reject it.' And so, with some facetiousness
"answering some other particulars, concluded for the
"passing of the Act. The House was so marvellously
"delighted to see the two inseparable friends divided
"in so important a point, that they could not contain
"from a kind of rejoicing; and the more because they
"saw Mr. Hyde was much surprised by the contradic-
"tion, as in truth he was; having never discovered
"the least inclination in the other towards such a com-
"pliance."[1] It is difficult to understand the *surprise* here expressed by Lord Clarendon at Lord Falkland's opinion of the secular employments of the Bishops and clergy, when the speech on episcopacy, which could leave no doubt as to his views on the subject, had been delivered but one month before. The probable explanation of this difficulty is to be found in the inaccuracy which must so often arise when events are transcribed from memory after a lapse of years. It does not appear that Mr. Hyde had spoken in the debate on the London and other petitions, which had called forth the strong expression of Lord Falkland's opinions. It was, therefore, the first time they had differed in the House. The unpleasant impression of a difference with his friend having arisen in public probably outlived the accurate recollection of the circum-

[1] There is no account of the speeches in this debate to be found in Rushworth's or Nalson's Collection, or in the Parliamentary History.

stances attending it, and led him to describe as unexpected that which had been unwelcome.

On the 1st of May the bill, having passed the Commons, was sent up to the Lords, and there read for the first time and debated. On the 24th it was taken into consideration in a grand Committee of the Lords; and, after a long debate (the House being resumed), it was resolved, "that Archbishops and Bishops shall have "suffrage and voice in the House of Peers in Parliament; that they shall not have suffrage or voice in the "Court of Star Chamber when they are called; that "no Archbishop or Bishop, or other person in holy "orders, shall be justices of the peace; that no Arch-"bishop, &c., shall be of the Privy Council to the King "or to his successors." On the 27th of May the Bill was again debated in the Lords, and a question arose "whether the restraints in the bill did extend to their "right of sitting and voting in Parliament, which, by "the common and statute laws of the realm, as well "as by an ancient and continued practice, was unques-"tionable."[1]

A conference was desired with the Commons upon this point. It took place on that day; but, on that same day, another bill was introduced by Sir Edward Dering into the House of Commons, "for the *utter abolishing and* "*taking away* of all Archbishops, Bishops, their Chan-"cellors and Commissaries, Deans and Chapters, Arch-

[1] The resolutions sent up to the Lords, by which it was determined that bishops and any other clergymen were not to be in the commission of peace, or to have any judicial power in the Star Chamber, or in any other civil court, left the question of their seats in the House of Lords doubtful, and justified the question sent in return.—Parl. Hist., vol. ii. p. 814.

" deacons, Prebendaries, Chapters and Canons, and all " other under officers."[1]

On the 3rd of June the result of the conference of the 27th of May with the Lords was reported to the House of Commons; the Lords assigned their reasons for maintaining the Bishops' right to sit and vote in the House of Peers; at the same time they declared that, if any inconveniences existed of which they did not know, that they were willing to hear them, and take them into consideration. On the following day the Commons replied, stating their reasons in answer to the Lords under nine heads, of which the most important were the interruption occasioned by these secular duties to their ministerial functions; the want of independence to which the votes of Bishops were subjected by their dependence upon Archbishops, and from their expectation of being translated from one See to another; and the late encroachments by the Bishops upon the consciences and properties of the subject, serving as a discouragement against complaints, where they are judges of those complaints. The Commons' reply produced no change in the views of the Lords.

The House of Lords had a strict call of its members on the 7th of June, for the third reading of the bill, when it was negatived by a large majority.[2]

On the 11th of June Mr. Hyde reported, in the House of Commons, the preamble of the bill for abolishing

[1] The House was divided as to the bill being read a second time on the same day; it was carried in favour of the second reading by a majority of 31.—*Parl. Hist.*, vol. ii. p. 815.

[2] Ibid., p. 818.

Archbishops, &c.: it was this bill that acquired the name of 'Root and Branch Bill.'[1]

Lord Clarendon says "that, though Nathaniel "Fiennes, young Sir Harry Vane, and shortly after Mr. "Hampden (who had not before owned it), were be- "lieved to be for 'Root and Branch,'" it was not approved by Mr. Pym, Mr. Hollis, or any of the northern men.[2]

On the 12th of June the Lords voted the late canons made at the Synod in 1640 illegal: they voted the same verbatim as had passed a few months before[3] in the House of Commons, which afforded a considerable proof that there was no undue disposition to protect the Bishops in the exercise of illegal or excessive power. This did not, however, moderate the severity with which the Commons now determined to prosecute their intentions respecting Church government.

On the 15th Mr. Hyde reported the resolution of the Committee "to utterly abolish Deans, Deans and "Chapters, Archdeacons," &c.;[4] and on the 21st the House was resolved into a Committee for the consideration of their abolition.

A warm discussion arose as to whether Mr. Hyde or Mr. Crewe should be in the Chair—some of the enemies

[1] The words of the preamble are—"Whereas the government of the "Church of England by archbishops, bishops, their chancellors and com- "missaries, deans and archdeacons, and other ecclesiastical officers, hath "been found by long experience to be a great impediment to the perfect "reformation and growth of religion, and very prejudicial to the civil state "and government of this kingdom."—*Parl. Hist.*, vol. ii. p. 822.

[2] Hist. of the Rebellion, vol. i. p. 410.

[3] 16th of December, 1640. [4] Parl. Hist., vol. ii. p. 838.

of the bill wishing for Mr. Crewe, and others thinking that Mr. Hyde being in the Chair would better obstruct the bill in that place, and which he somewhat triumphantly adds "they found to be true."[1] The Committee, in its eagerness to bring matters to a more hasty conclusion, determined that the Chairman should report each day to the House the several votes taken in Committee, in order that the House should decide upon those votes before it rose. The Speaker generally left the Chair about nine o'clock, and resumed it at four. The House was therefore very thinly attended when the votes were discussed; those only who most eagerly prosecuted the bill remained, and those who opposed it grew weary of "so tiresome an attendance, and left the House at "dinner-time;" which drew from Lord Falkland the remark, "that those who hated the Bishops hated "them worse than the Devil, and that they who loved "them did not love them so well as their dinner."[2]

Lord Clarendon describes this proceeding, of voting each day on the votes taken in Committee, as being without precedent, and very detrimental to the grave transaction of the business: it was, in fact, legislating piecemeal; and votes so inconsistent with each other were found to have been taken, that, after twenty days sitting and some dexterous management on the part of the Chairman in obstructing the progress of the bill, it was discovered they must again review all they had done.[3] The King was resolved to set off for Scotland; the bill was obliged to be discontinued for a time, and Sir

[1] Hist. of the Rebellion, vol. i. p. 483. [2] Ibid., vol. i. p. 448.
[3] Ibid.

Arthur Hazelrig declared he would never hereafter put an enemy into the Chair.

There is no account of the part taken by Lord Falkland during the discussion of the 'Root and Branch Bill;' but as Lord Clarendon alludes to Lord Falkland's change of opinion on the vexed question of episcopacy taking place six months after the debate in which they disagreed, he certainly could not have joined with him in the opposition and obstruction so effectually offered to this more sweeping measure.

On the 23rd of the following October a bill was again brought into the House of Commons[1] for depriving the "Bishops of their Votes in Parliament, and disabling all "in Holy Orders from the exercise of all temporal Ju- "risdiction and Authority."

The bill was carried, but received greater opposition than formerly. It differed little from that which had before received Lord Falkland's support, but he now concurred with Mr. Hyde in opposing it. Mr. Hampden remarked upon his change of opinion; Lord Falkland retorted by observing "that he had formerly been "persuaded by that worthy gentleman to believe many "things which he had since found to be untrue, and "therefore he had changed his opinion in many parti- "culars as well as to things and persons."[2] Lord Falkland stated his opinion in the month of March, that the question respecting the Bishops' votes in the House of Lords should rest with that House to decide,[3] and

[1] Parl. Hist., vol. ii. p. 916.

[2] Clarendon's 'Hist. of the Rebellion,' vol. ii. p. 76, *note*.

[3] *See* Lord Falkland's Speech above, p. 65:—"We might presume that, if

their decision on that point had been adverse to that of the Commons. When Lord Falkland gave his support to that bill, he was assured by Mr. Hampden that, if it passed, nothing further would be attempted against the Church, and in Mr. Hampden Lord Falkland had the highest confidence. Mr. Hampden might have been perfectly sincere at the time he gave that assurance, and probably no further alteration to the Church was *then* contemplated by *him;* but, on the day when the Lords conceded to the Commons so much that was important in their bill, refusing only that which more immediately affected the constitution of their own House, another bill was brought in for the *utter abolition of all Church government as then instituted.*

In confirmation of the sincerity of Mr. Hampden's original professions to Lord Falkland it must be remarked that even Lord Clarendon admits he did not seem inclined at first to the introduction of 'The Root and Branch Bill,' though he afterwards became favourable to this radical alteration.

The change to which Lord Falkland alluded in things and persons had indeed, in the course of a few months, been such as to surprise and gratify many of the most zealous reformers of abuses, to startle and humiliate the proud defenders of arbitrary measures. Men who had groaned under the same grievances, and joined in the same struggle to free themselves from the burthen that had oppressed them, now began to use

" they (the Lords) could make that appear that they (the bishops) were " a third estate, that the House of Peers, amongst whom they sat and had " yet their votes, would reject it."

their newly gained freedom for objects as dissimilar as their efforts to obtain it had been united.

The merit of consistency might well be disputed in its award, between those who adhered to a party whose views had gradually changed and enlarged under the influence of success, and those who adhered more strictly to the original purposes which had first drawn them together. Mr. Hampden flowed on with the stream which had swept away so much impurity, Lord Falkland withdrew from the force of the current, and in a few months they found themselves standing on opposite banks, henceforth to view the same scene from different points. Each may have mingled with that stream the tears that sprang from honest regrets at the fallen fortunes of a degraded monarchy and the dangerous licence of an unrestrained parliament, but their march in life was separated; they had started in public life with feelings, principles, and resentments in common; their deaths were nearly contemporaneous, but they died bearing arms in opposite ranks, and an element of peace was gone from the counsels of each party. The bill, to which Lord Falkland now offered his decided opposition, was brought in, contrary to the rule of the House "that a rejected bill could not be brought forward "again during the same session."[1] The objection was raised and discussed, but precedent had avowedly ceased to guide or restrain the course adopted by the parliamentary leaders.[2] No sooner had this bill passed

[1] Clarendon's 'Hist. of the Rebellion,' vol. ii. p. 75, *note*.

[2] Mr. Pym confessed the violation of the order, but said "that our orders were not like the laws of the Medes and Persians, not to be altered."—*Hist. of the Rebellion*, vol. ii. p. 76.

the House of Commons than fresh subjects of contention arose between the two Houses respecting the votes of the Bishops. On the 27th of October[1] the Commons desired a conference with the Lords, the object of which was to require that the thirteen Bishops impeached for making the late canons should be excluded from their votes in Parliament, and that all the Bishops should be suspended from their votes upon the bill which concerned their exclusion from the exercise of temporal power.[2] The Lords debated on the report of the conference, and ended with an order that the matter should be further considered; "but," says Lord Clarendon, "the House of Peers was not yet deluded enough or "terrified (though too many amongst them paid an "implicit devotion to the House of Commons) to "comply in this unreasonable demand."[3]

Five Bishops' sees had now become vacant, and the King intended to fill them up on his return from Scotland. On the 29th of October a motion was made in the Commons to demand a conference with the Lords, the object of which was to desire their concurrence in a petition to His Majesty to delay making any new bishops till the controversy was over respecting the government of the Church.[4] A Committee was named to draw up reasons for the proposed petition, and amongst those named to be on that Committee were

[1] Four days later than the introduction of the "Bill for depriving the "bishops of their votes in Parliament, and disabling all in holy orders "from the exercise of all temporal jurisdiction and authority."

[2] Parl. Hist., vol. ii. p. 922.

[3] Clarendon's 'Hist. of the Rebellion,' vol. ii. p. 29.

[4] Parl. Hist.

Lord Falkland and Mr. Hyde.[1] Mr. Hyde, who appears to have spoken in the name of both, said "they "could be of no use, having given so many reasons "against it that they could not apprehend any could "be given for it;" and he suggested "that those who "had come to a different conclusion were better fitted "to convert other men." The piteous exclamation of a country gentleman,[2] who was strongly in favour of the bill, addressed to Lord Falkland and Mr. Hyde, of— "For God's sake be of the Committee; you know none "on our side can give reasons," provoked a smile from those who heard it, but may be taken as a proof how highly their talents and their honesty were valued, even by an opponent. It was certainly not very probable that the Lords would join with the Commons in this petition, considering that they were already at issue on the point of the Bishops' votes; and Lord Clarendon states that, after the appointment of the Committee was carried in the Commons, "that stone moved no further."[3] Petitions, numerously signed, had been presented in favour of the Bishops, but still the popular feeling visibly increased against the exercise of their secular power and their votes in Parliament.

On the 13th of November the Londoners agreed to lend money on certain securities and conditions, and amongst the latter was distinctly stated "the taking "away of Bishops' votes." On the 1st of December a Committee of the House of Commons presented their

[1] Clarendon's 'Hist. of the Rebellion,' vol. ii. p. 27.
[2] Mr. Bond, of Dorchester.
[3] Clarendon's 'Hist. of the Rebellion,' vol. ii. p. 26.

petition and remonstrance to the King. The evil of the Bishops' votes in Parliament, and the want of conjunction between the Lords and Commons owing to the number and power of Bishops and recusant Lords to thwart their measures of reform, was strongly put forward. On the 28th of December there were riots about the Houses of Parliament. Loud cries of "No "Bishops — No Bishops!" were uttered. Swords were drawn by gentlemen of the opposite party, and some of the mob wounded. The Bishops were attacked in their carriages, their lives and houses threatened with destruction, and they only escaped the fury of their assailants, who waited to renew the attack on their return from the House of Lords, by retreating through secret passages or by placing themselves under the offered protection of unobnoxious peers. At the hasty instigation of the Archbishop of York [1] twelve Bishops instantly determined to withdraw from their attendance in Parliament, and signed a petition to the King protesting against all proceedings during their forced absence from Parliament. The King, with no less indiscreet haste, immediately delivered the petition to the Lord Keeper to read to the Lords (October 30th). The Lords, on hearing the petition, instantly sent a message to the Commons desiring a conference "touch-"ing matters of dangerous consequence." The Commons lost no time in impeaching the Bishops, and on that day they were accused by the Commons of *high treason*, summoned to appear at the bar of the House

[1] Dr. Williams.

of Lords, and after each appearing there, kneeling as delinquents, ten were sent to the Tower, and two, on account of their age, given in custody to the Black Rod. How far the Bishops were justified in thus abandoning their posts may be questioned as a matter of duty, and the King's precipitancy in acting on their behalf certainly proved injudicious as a matter of policy; but their petition was neither unreasonable in its plea nor illegal in its form, and the conduct of Parliament towards them bore the stamp of that violent and unconstitutional legislation which now too frequently marked their acts.

On the 5th of February the bill for taking away the Bishops' votes was read for a third time in the House of Lords and passed. The Commons expressed by message their satisfaction at this concurrence between both Houses, and their hope that the bill would be sent to receive the royal assent without delay. This was accordingly done, and on the 8th of February the Earl of Monmouth delivered for answer from the King, "that "it was matter of weight which his Majesty would take "into consideration and send an answer in convenient "time."[1] On the same day both Houses again addressed the King, who was then at Windsor, assigning their reasons for hastening this bill.[2] Sir John Culpepper urged upon the King the necessity of giving his consent; but the King asked if Ned Hyde was of that opinion, and, hearing that he was not, the King declared himself to be of the same opinion with him, and said

[1] Parl. Hist., vol. ii.

[2] Clarendon's 'Hist. of the Rebellion,' vol. ii. p. 246.

"that he would run the hazard." In the mean time Sir John Culpepper urged also upon the Queen the necessity of yielding, and represented that her journey to the Continent[1] would be endangered by this refusal.[2] This contingency alarmed the Queen, and she never ceased importuning the King to yield till she succeeded in obtaining his reluctant consent, and the bill was passed by commission when the King and Queen were on their way to Dover. Sir John Culpepper's counsel was given when alone with the King; and of the three counsellors, Falkland, Hyde, and Culpepper, it was the latter only who seemed to have tendered this advice. Lord Clarendon admits it to have been given upon the purest motives of fidelity and duty to the King, though, he adds, "he quickly found he was "deceived in the good he had expected from it."[3]

Lord Falkland rightly estimated the growing spirit of demand, the unstable character of the King, and the danger of yielding to pressure what might be conceded

[1] The Queen's journey to Holland was ostensibly undertaken to convey thither her daughter, the Princess Mary; the more real object was the raising money on the Continent by the sale of Crown jewels.

[2] Clarendon's 'Life,' vol. i. p. 100.

[3] 'Life of Lord Clarendon,' vol. i. p. 92. On September 10th, 1642, the provisions of the 'Root and Branch Bill' were again renewed in an 'Answer 'to the Declaration of the General Assembly of Scotland about Church 'Government,' in which it was declared, "That the government by arch-"bishops, bishops, their chancellors and commissaries, deans, deans and "chapters, archdeacons, and other ecclesiastic officers depending upon "the hierarchy, is evil and justly offensive and burthensome to the king-"dom, a great impediment to reformation and growth of religion, very "prejudicial to the state and government of this kingdom, and that we "are resolved that the same shall be taken away."—*Lords' Journal*, vol. v. p. 350.

to policy, when he lent the powerful support of his character and talents to the bill on its first introduction. "He thought," says Lord Clarendon, "the Crown it-"self ought to gratify the people in yielding to many "things, and to part with some power rather than run "the hazards which would attend the refusal; he "was swayed in this by a belief that the King would "in the end be prevailed with to yield to what was "pressed."[1]

Lord Falkland was attached to the Church of England and its doctrines, "but he did not consider any "part of its order or government so essentially neces-"sary to religion but that it might be parted with and "altered for a notable public benefit or convenience."[2] With Lord Falkland the question of the taking away of the Bishops' votes presented itself rather as one of expediency than of strict principle. When, therefore, six months later, he withdrew his support from the proposed renewal of the measure, it may be fairly conjectured that, in the altered position of the Crown, he had ceased to deem it expedient to concede; he may justly have feared that the time had come when it would no longer be accepted as a concession to the spirit of reform, but be hailed as such a triumph over the strong opinions of the sovereign, and such a proof of his vacillating character, as would afford the most direct encouragement to the hope of successful innovation in future. These conjectures as to the feelings which regulated his conduct appear most consistent with the

[1] Life, vol. i. p. 92. [2] Ibid.

opinions expressed in his original speech on episcopacy, and the firm resistance he displayed throughout his short career against all excess of power, whether exercised by the Throne or assumed by the Parliament.

CHAPTER IV.

Lord Falkland joins in the Proceedings of the House of Commons against Lord Strafford — Remonstrance of the Commons — Violent Debate thereon — Lord Falkland opposes it — The King returns from Scotland — Overtures to Lord Falkland and Sir John Culpepper to accept the offices of Secretary of State and Chancellor of the Exchequer — Lord Falkland accepts the offer — He is sworn of the Privy Council, and receives the Seals of Secretary of State — Lord Kimbolton and the Five Members impeached — Lord Falkland carries a Message from the House of Commons to the King — The King comes to the House of Commons to seize the Five Members — He returns to Hampton Court — Conferences of Lord Falkland, Sir John Culpepper, and Mr. Hyde, at Mr. Hyde's house.

IN order to follow these measures through their vicissitudes in both Houses, from their first introduction till the passing of the bill which deprived the Bishops of their votes, an interval of time has necessarily been passed over without stopping to mark the other events with which the name of Lord Falkland is connected, or those subjects in Parliament to which he appears to have devoted his time. The journals afford ample proof that from the beginning of November up to the 8th of the following September, when he was named one of the Committee appointed to sit during the recess, he had taken an active part in the various Committees and numerous conferences with the Upper House during that long session.[1] The scanty records that have been

[1] See Appendix H.

handed down to us of the speeches delivered, and the rare occasions on which votes are preserved on the important subjects discussed, leave but few certain marks by which posterity can trace back the political opinions and conduct of members of Parliament. Lord Falkland's name appears in the journals as being on the several Committees appointed to meet the Committees of the House of Lords to confer on points respecting the impeachment of Lord Strafford, and also as acting as reporter to the Commons of those conferences. The notes preserved by Sir Ralph Verney of the proceedings in Parliament afford an additional clue to the opinions of Lord Falkland concerning Lord Strafford.[1]

During the debate, April 15th, in the Committee of the whole House on the bill of attainder, Lord Falkland is quoted as saying, "How many haires' breadths "makes a tall man, and how many makes a little man, "noe man can well say, yet wee know a tall man when "wee see him from a low man: soe 'tis in this,—how "many illegal acts makes a treason is not certainly well "known, but wee well know it when wee see . . . ."[2]

Four days later (the 19th) the following passage concerning Lord Strafford's children is noted down as Lord Falkland's words: "Being[3] Lord Strafford's "children proceeded as well from his innocent wife as "his owne guilty person, 'tis beter they should be

[1] Published by the Camden Society, 1845, from pencil memorandums in the possession of Sir H. Verney, p. 49.

[2] MS. torn away. This passage alludes to the doctrine of constructive treason—a subject which was fully discussed in Hardy's trial.—Howell's *State Trials*, vol. xxiv. See also Luders' Tracts, vol. i.

[3] Seeing.

" spared in their estates for the innocent's sake, than " punished for the guilty."

Then follow many notes, which would seem to be heads of arguments respecting the definition of treason,[1] in the midst of which occurs this plain passage: " In " equity Lord Strafford deserves to dye." Of the fifty-nine names of those who voted against the bill of attainder, and who were called Straffordians, neither that of Lord Falkland nor of Mr. Hyde appears;[2] this leaves it doubtful whether their votes were in favour of that bill, or they abstained from voting.

During the recess the Committees of the two Houses were appointed to meet twice a week for the transaction of business. On the 30th of October Parliament met again, when Mr. Pym made a long report of the proceedings of the Committees during the recess. About the middle of November the King returned to England, having conceded to the Scots all they demanded,[3] and

[1] See Appendix I.

[2] In Sir R. Verney's notes is the first list given of the whole fifty-nine. In the 'Life of Richard Baxter,' from his own MS. (or 'Reliquiæ Baxterianæ,' page 19), there is the following passage:—" And now began the first " breach among themselves, for the Lord Falkland, the Lord Digby, and " divers other able men, were for the sparing of his (Lord Strafford)'s life, " and gratifying the King, and not putting him on a thing so much dis- " pleasing him." Lord Falkland was naturally of so humane a disposition, and such a lover of strict justice, that there is nothing improbable in the supposition that he might wish to spare the shedding of blood, or that he might recoil from stretching the power of Parliament beyond its constitutional limits even to reach so dangerous an offender as Lord Strafford; but the reason assigned by Baxter, that it was for "gratifying the King," was so utterly at variance with the principles which actuated Lord Falkland in his early Parliamentary career, that, unsupported by other evidence, and in the face of Sir R. Verney's notes as to his opinions, it must be supposed that Baxter was mistaken at least in the motive he ascribed to him.

[3] " The King," says Lord Clarendon, " made that progress into Scot-

thus encouraged others at home to believe that he would in the end yield to anything.[1] His journey to England was no sooner fixed than the Committee of the House of Commons for preparing the remonstrance offered their report to the House. The remonstrance was truly characterized "as a bitter representation of "all the illegal things which had been done from the "first hour of the King's coming to the Crown to that "minute; with all the sharp reflections which could "be made upon the King himself, the Queen, and "Council."[2] The first impression of the House was unfavourable to the remonstrance. It was, in fact, ungenerous, as a revival of past grievances already redressed; it was unconstitutional, as being an account of services rendered by Parliament, and à remonstrance against the King addressed to the people, passing by the sovereign;[3] it was impolitic for those who framed it, as a warning to the adherents of monarchy that the position between the King and the House of Commons was fast reversing, and that the privileges claimed by Parliament were bidding fair to take the place of the long misused prerogative of the Crown; it made, as it were, the King's acquiescence in measures too well known to have been contrary to his convictions the

"land only that he might make a perfect deed of gift of that kingdom, "which he could never have done so absolutely without going thither."—*Hist. of the Rebellion*, vol. ii. p. 37.

[1] The King gave his consent in Scotland to an Act that declared that the government by archbishops and bishops was against the word of God and the propagation of religion.—*Ibid.*, p. 39.

[2] Clarendon's 'Hist. of the Rebellion,' vol. ii. p. 40.

[3] *Vide* Sir Edward Denny's speech.—Rushworth, vol. iv. p. 428.

very ground for further demands;[1] and the thankfulness expressed for what had been done seemed well to exemplify that definition of gratitude which describes it as an anticipation of future favours. Lord Clarendon[2] attributes the carrying of the measure to the great art and activity of its promoters, and they certainly either miscalculated the degree of success with which they had laboured, or else wished to assume the appearance of unbounded confidence. Lord Falkland and others desired that the debate should not be entered upon late in the day. "Oliver Cromwell" (who at that time was little taken notice of) "asked Lord Falkland why "he would have it put off, for that day would quickly "have determined it." He answered, "there would "not have been time enough; for sure it would take "some debate." The other replied, "A very sorry "one."[3] The next day, November 22nd, the debate took place; it was of so stormy a character that blood might have been spilt but for the well-timed interference of Mr. Hampden.[4] It lasted from nine o'clock in the morning till past midnight,[5] when the remonstrance was carried by a majority of eleven.[6]

[1] Clause 154.—Rushworth's Coll., vol. iv. p. 448.

[2] Hist. of the Rebellion, vol. ii. p. 41.

[3] Ibid., p. 42.

[4] "I thought we had all sat in the valley of the shadow of death; for "we, like Joab's and Abner's young men, had catched at each other's locks, "and sheathed our swords in each other's bowels, had not the sagacity and "great calmness of Mr. Hampden by a short speech prevented it, and led "us to defer our angry debate until the next morning."—Sir Ph. Warwick's Memoirs, p. 222.

[5] Hist. of the Rebellion, vol. ii. p. 42.

[6] Journals of the House of Commons, vol. ii. p. 322.

On leaving the House Lord Falkland asked Oliver Cromwell "whether there had been a debate?" to which he answered, "he would take his word another "time; and whispered him in the ear, with some "asseveration, that, if the remonstrance had been "rejected, he would have sold all he had the next morn- "ing, and never have seen England more, and he knew "there were many other honest men of the same reso- "lution."[1] Mr. Hyde and Mr. Geoffrey Palmer had, in the course of the debate, protested against the printing and publishing the remonstrance without even sending it up to the House of Peers for their concurrence. This mode of proceeding on their part was complained of by the supporters of the measure. Many wished to fix the blame on Mr. Hyde, but to that the gentlemen of the north resolutely objected on account of the service he had done them against the Court of York. It ended on the 24th (two days after the debate), by Mr. Palmer being committed to the Tower, from which he was again released in a few days. The notes that were taken by Sir Ralph Verney[2] show that Lord Falkland had spoken against the remonstrance, and pointed out certain inconsistencies in the allegations it contained; an answer to the remonstrance was written by Mr. Hyde, and, through the instrumentality of Lord Digby, it was shown to the King, and adopted by the King and the Privy Council. The answer had been seen by none when it was taken by Lord Digby, save Lord Falkland, "from whom," says Lord Claren-

[1] Lord Clarendon adds, "So near was the poor kingdom at that time to "its deliverance."—*Hist. of the Rebellion*, vol. ii. p. 44.

[2] See Appendix J.

don, "nothing ever was concealed." It may be inferred from this allusion that Lord Falkland concurred in the views taken by his friend.

The King returned to London from Scotland on the 25th of November, and, whatever gratification he may have derived from the loyal reception that awaited him in passing through the city, his spirits must have been considerably damped by the petition and remonstrance presented to him at Hampton Court on the 1st of December.

The King now began to be conscious of the need of counsellors on whose trustworthiness he could rely, and whose opinions and character would command confidence in the House of Commons. Men who deserved well of their country for their determined resistance to the abuses of monarchical and episcopal power, and yet stood forth to protect the Crown and the Church from insult or injustice, seemed to fulfil these conditions;[1] and overtures were made to Lord Falkland and to Sir John Culpepper to accept the vacant offices of Secretary of State[2] and Chancellor of the Exchequer.[3]

[1] The King naturally turned to those who in his absence had resisted the undue encroachments of Parliament, and the following passage from one of Sir Edward Nicholls' letters addressed to the King in Scotland, and dated Westminster, October 29, 1641, will easily account for his selection of Lord Falkland and Mr. Hyde in the present emergency:—"I may not "forbeare to let your Majesty know that the *Lord Fulkland*, Sir Jn. "Strangwishe, Mr. Waller, *Mr. Ed. Hide*, Mr. Holbourn, and diverse "others, stood as champions in maintenance of your prerogative, and "showed for it unanswerable reason and undenyable precedents."—See Appendix K.

[2] Sir H. Vane had been deprived of his seals by the King when on his return to Hampton Court after the visit to the City.—Clarendon's *Hist. of the Rebellion*, vol. ii. p. 63.

[3] Lord Cottington had resigned the office that Mr. Pym might be put into it, when the Earl of Bedford would have been Treasurer.—*Ibid.*, p. 93.

The feelings of Lord Falkland at this offer are best described in the words of Lord Clarendon:—"The King "was more easily persuaded to bestow those prefer- "ments upon them[1] than Lord Falkland was to accept "that which was designed to him. No man could be "more surprised than he was when the first intimation "was made to him of the King's purpose; he had never "proposed any such thing to himself, nor had any "veneration for the Court, but only such a loyalty to "the King as the law required from him. And he had "naturally a wonderful reverence for Parliaments, as "believing them most solicitous for justice, the violation "whereof in the least degree he could not forgive any "mortal power; and it was only his observation of the "disingenuity and want of integrity in this Parliament "which lessened that reverence to it, and had disposed "him to cross and oppose their designs. He was so "totally unacquainted with business and the forms of "it that he did believe really he could not execute "the office with any sufficiency. But there were two "considerations that made most impression upon him— "the one lest the world should believe that his own "ambition had procured this promotion, and that he had "therefore appeared signally in the House to oppose "those proceedings that he might thereby render him- "self gracious to the Court; the other, lest the King "should expect such a submission and resignation of "himself and his own reason and judgment to his com- "mands as he should never give or pretend to give;

[1] Lord Falkland and Sir J. Culpepper.

"for he was so sincere an adorer of truth that he could "as easily have given himself leave to steal as to dis- "semble, or to suffer any man to think that he would "do anything which he resolved not to do; which he "thought a more mischievous kind of lying than a "positive averring what could be most easily con- "tradicted."[1]

Thus it appears that Lord Falkland's disinclination to take office was founded on a mistaken diffidence in his own powers, a just mistrust of the King's good faith, and an honest repugnance to the arts and flatteries too generally practised at Court. He was a loyal subject, but an indifferent courtier. It required all the influence of Hyde's persuasion, and all the truth and force of his arguments, to overcome Lord Falkland's reluctance, or convince his reason that his personal scruples were misplaced, and that he owed his acceptance no less to his allegiance to the King than to his duty to his country. He promised to assist him in the execution of such details or forms of office as he might find irksome to perform, or in which he was not well informed, and above all he urged, what to a generous mind might well turn the balance in favour of his acceptance, the prejudice that his refusal might then do to the King. That Lord Falkland should shrink from the dignity of office, sooner than hazard even the slightest imputation on the motives of his recent conduct in Parliament, was perfectly natural for one of his sensitive disposition and strict sense of honour; but at the moment when the

[1] Clarendon's 'Hist. of the Rebellion,' vol. ii. p. 94.

King had just received a deep humiliation, and when the difficulties of his position were daily increasing, it was not in the character of Lord Falkland to augment those difficulties by consideration of self, or to withhold the assistance which he was now called upon to give to one in need. He might have caught from the persuasions of Hyde some hope of being able to do good service to the King and to the kingdom,[1] but he was too far-sighted to suppose that his elevation to the honours of office was ever likely to prove a source of gratification to any personal ambition. He plainly saw the clouds of approaching storms gathering fast round the political horizon: one path alone could lead to safety—it was narrow, steep, and difficult, but on that path only the King must go, if he yet hoped to escape before all was closed in hopeless darkness. The task that Hyde urged upon Falkland was to be the guide along that way; to be to the King the organ of truth, to save him from the errors into which evil counsels had led him—more truly might it be said to save him from the errors into which the duplicity or fickleness of his own character, and the prejudicial influence of the Queen, had led him throughout his reign. Lord Falkland made up his mind that acceptance was a duty, and he acknowledged to his friend that "honesty obliged him to serve the King, "but that he foresaw his own ruin by doing it."[2]

On the 1st of January, 1641-2, Lord Falkland and Sir John Culpepper were sworn of the Privy Council.[3] Hyde declined office, but was to be joined in

[1] Clarendon's 'Life,' vol. i. p. 92.
[2] Ibid.
[3] From the Council Register.

the counsels of the other two. The King recommended these three to meet constantly, and solemnly declared that he would do nothing that in any degree concerned or related to his service in the House of Commons, without their joint advice and "exact communication "to them of all his own conceptions."[1]

But the leading error of Charles's conduct—the great misfortune of his reign—prevailed: he willingly imposed responsibility without abiding by counsel. Within a few days of this voluntary compact, without consultation, without even the knowledge of these confidential advisers, he resolved upon no less a step than that of the impeachment and seizing of Lord Kimbolton and the five members of the House of Commons. The promise "to enter upon no counsel without the privity of "his three new advisers" had scarcely passed his lips before it was forgotten or disregarded, and they found themselves looked upon as the authors of that "to "which they were absolute strangers, and which they "perfectly detested."[2]

No wonder that they were so much displeased and dejected as to be inclined at once to throw up the charge they had just accepted. In later times such faithless conduct on the part of the Sovereign could only have been fittingly met by the Ministers' instant resignation of office; and to some it may appear an error of judgment, even at this period, to have consented to act in the service of one who seemed as incapable of trusting others as he was undeserving of being

[1] Clarendon's 'Hist. of the Rebellion,' vol. ii. p. 98.
[2] Ibid., p. 133.

trusted himself. It may be alleged that their resignation would have been useful as a lesson to the King, to show that honest men would not serve him unless honestly dealt with; but it was now too late to offer warnings; it was useless to talk of the danger of fire, when the house was beginning to blaze. The same arguments that had led them to undertake the task, now led them to go on in spite of "the great discouragement "they had received." But the King's conduct had made a deep impression upon them.[1] Lord Falkland, who from the beginning entered the King's service rather with the devotion of a martyr than with the blindness or confidence of a partisan, perhaps saw less that was new in the character of the King's conduct than what was alarming in its consequences; every unfavourable impression must have been confirmed, but the need of assistance had become more urgent. Whether they judged rightly is a question, however, on which there is just ground for difference of opinion. When time has revealed the events that have been consequent on any particular action, there is a ready disposition to assert with equal confidence what would have ensued if some different line of conduct had been pursued, and to place in juxta-position the real and imaginary cases, as if they could be fairly weighed against each other in the opposite scales of the balance, and were equally susceptible of being judged. It is easy to suppose that, had the newly-chosen Ministers at once thrown up their charge, a beneficial effect might have been produced on the character of the King,

[1] Clarendon's 'Life,' vol. i. p. 90.

and that many of the evils which arose from his want of honourable consistency would have been checked by this practical reproof. But in passing judgment on the wisdom of their decision, it must also be remembered that, whilst posterity has acknowledged the services that were actually rendered by these Ministers, not only to the Monarch, but to the cause of constitutional monarchy itself, the improvement to be effected in the character of the King remains but a hypothetical case.[1] Judging by the higher standard of political morality now recognised in England, Ministers would have been too much degraded by continuing to serve the King who had thus deceived them, to have retained any influence on public opinion; but such ideas were then so little developed, that perhaps it is rather to be wondered at that the new Ministers contemplated withdrawing, than that they persevered in the task on which they had entered. Nor is there the slightest reason to believe that their continuance in the King's counsels was regarded unfavourably on this account by their contemporaries, or even used as a weapon of attack by their enemies. But, if the wisdom of their decision may be disputed, the motives that decided Lord Falkland to undertake the perilous task remain above suspicion; if he erred in judgment, it was an error into which he was led by a mistaken sense of duty, not by the delusions of self-interest or the allurements of gratified ambition.

On January 8th, 1641-2, four days after the open

[1] Mr. Hallam speaks of the constitutional language which, from the time the King made use of the pens of Hyde and Falkland, he systematically employed in his public declarations.—*Constitutional Hist.*, vol. ii. p. 240.

attempt to seize the five members, Lord Falkland's appointment was confirmed by his being sworn one of his Majesty's principal Secretaries of State.[1]

Lord Clarendon speaks of the King's "feeling within "himself the trouble and agony which usually attends "generous and magnanimous minds upon their having "committed errors which expose them to censure and "to damage."[2] But the King's repentance in this instance, as in the abrupt dissolution of that short Parliament on whose loyalty he might so well have relied, came only when the extent of the error could not be concealed from his view, and when events had fully exposed the short-sighted wisdom which had directed a crooked policy.

Lord Falkland and the Chancellor of the Exchequer (Sir J. Culpepper) seem on this important occasion to have rather been called upon to act for the Commons, than empowered as ministers to give any explanation of the King's conduct.

On the 3rd of January the Attorney-General, by command of the King, appeared at the table of the

[1] FROM THE COUNCIL REGISTER.

1st Jan. 1641-2.—"This day Lucius Viscount Falkland was sworne of "his Ma^tie^ most Hon^ble^ Privy Counsell, by his Ma^tie^ command sitting in "Counsell, tooke his place and signed with the other Lords."

1st Jan.—Sir John Culpepper was sworn of the Privy Council, and on the same day the King, being present in Council, gave order for Sir J. Culpepper's admission "into the place of his Ma^ty^ Under Treasurer and "Chancellor of his Exchequ^r^." The patent of the office is dated the 6th of January.

8th Jan. 1641-2.—"This day, his Ma^tie^ present in Counsell, and by his "Royall Command, the Lord Visc^t^ Falkland was sworne one of his "Ma^tie^ Principall Secretaries of State."

[2] Clarendon's 'Hist. of the Rebellion,' vol. ii. p. 133.

House of Lords, and impeached Lord Kimbolton and five members of the House of Commons of high treason.[1] The King had also ordered their chambers to be searched and locked, their trunks, &c., sealed, and issued out warrants for their apprehension.[2] The Commons on the same day resolved that every person engaged in the execution of this command should be immediately seized and brought to the House as delinquents, and that the Serjeant should have power to break open the doors and tear off the seals. A conference with the Lords on the breach of privilege confirmed this resolution. Immediately after the conference a Serjeant-at-Arms was announced as the bearer of a message from the King to the House of Commons, requiring the Speaker to give up the five accused members. Lord Falkland, the Chancellor of the Exchequer, and two others[3] were appointed instantly to wait upon the King and acquaint him that "this message of His Majesty "is a matter of great importance as it concerns the "privilege of Parliament;" at the same time promising that the House would take it into consideration. The Speaker also, by command of the House, enjoined the daily attendance there of the five members.

The following day (the 4th) Lord Falkland thus reported the King's answer to the message from the Commons:[4]—"The King," he said, "had asked them "whether the House did expect an answer?" They

[1] Mr. Denzil Holles, Sir Arthur Hazelrig, Mr. J. Pym, Mr. John Hampden, and Mr. William Strode.

[2] Nalson's Coll., vol. ii. p. 811.

[3] Sir Philip Stapelton and Sir John Hotham.

[4] Nalson's Coll., vol. ii. p. 816.

replied, "they had no more commission to say, but "only to deliver the message." The King asked them, as private persons, "what they thought of it?" They said they conceived "the House did expect an answer." The King, hearing the House was up, said he would "send "an answer the next morning;" but, in the mean time, he commanded them to acquaint the House that the Serjeant-at-Arms did nothing but what he had directions from himself to do.

On the disingenuousness of the King's conduct in thus concealing his purposes from the counsellors to whom he had promised "to do nothing that in any "degree concerned the House of Commons without an "exact communication to them of all his own concep- "tions," it is needless to comment. The folly of deceiving those who were selected by himself, and trusted by the Commons, at such a juncture, shows how incapable he was of appreciating the value of men between whose character and his own there was indeed but little affinity. In the afternoon of the same day (the 4th) that Lord Falkland delivered the King's answer, the King came in person to the House of Commons to demand the five members. The Speaker left the chair; the King took his place, and, standing on the step with his hat off, addressed the House. He told them he had expected obedience and not an answer from them the day before, and announced that he had come himself for the five gentlemen; he looked around in vain for them; he asked the Speaker where they were, called upon them by name, and received no answer: then, saying "that his birds were flown, but that

"he expected the House would send them to him," he finished his speech, and then retired, his hat still off till he came to the door.[1]

The members had received timely warning to absent themselves from the House. The failure of this royal intrusion as a *coup d'état* must have produced at the moment an effect almost ludicrous, but the consequences were of most serious and lasting moment. The House immediately adjourned, and on the next day (the 5th) met with locked doors, and then decided on a further adjournment till the 11th of January. A Committee was appointed to sit in Guildhall, consisting of twenty-five members, and on which the names of Lord Falkland and the Chancellor of the Exchequer appear. On the 5th the King made a speech to the Common Council assembled at Guildhall, requiring their assistance in apprehending the members. On the 8th he issued a proclamation for their apprehension and imprisonment in the Tower. On the 10th the King left Whitehall for Hampton Court, never again to enter his capital of his own free will. On the 11th Parliament met at Westminster, and the accused members, who had been concealed in the city, were triumphantly brought back to Westminster with every demonstration of public

[1] The King was so well pleased with this speech that on that evening it was transcribed from notes in his presence, sent to the press, and published the next morning.—Rushworth, vol. iv. p. 479.

The Speaker's answer to this appeal showed where he felt his allegiance due. "May it please your Majesty," said he, "I have neither "eyes to see nor tongue to speak in this place but as the House is pleased "to direct me, whose servant I am here; and humbly beg your Majesty's "pardon that I cannot give any other answer than this to what your "Majesty is pleased to demand of me."

rejoicing. On the 13th came the day of retractation, when the Lord Keeper announced to the Houses of Parliament that the King had determined to waive any present proceedings against the accused members. There is but little means of tracing the advice given by Lord Falkland individually on his first coming into office, but Lord Clarendon tells us that before the King left Whitehall he renewed his commands to his two ministers and Mr. Hyde to consult on his affairs, and also again declared solemnly that he would take no step with Parliament but by their advice; accordingly, they met late every night to communicate the information they had each gathered, and their respective impressions as to what had passed, during the day, and to consult on what should be their course for the morrow. Mr. Hyde's house being the most convenient for these nocturnal meetings, they were generally held there, a circumstance which seems to have excited the suspicions of their opponents. "They believed it," says Lord Clarendon, "a condescension that had some other "foundation than mere civility."[1] Mr. Hyde was, in fact, looked upon with particular jealousy, from the supposition that he had influenced Lord Falkland in his decision to accept the service of the King. Lord Falkland seems to have also exercised a strong influence over his two colleagues, for Lord Clarendon speaks of himself and Sir John Culpepper as being men of very different natures, but both of warm tempers, and that it was from the deference each paid to Lord Falkland,

[1] Clarendon, 'Life,' vol. i. p. 91.

"who allayed their passions," that unanimity was preserved, and that they did succeed in "much advancing "the King's business from the very low state it was in "when they were first trusted."[1] On taking office Lord Falkland and Sir John Culpepper became at once obnoxious to the governing majority in the House of Commons; a letter, pretended to be intercepted from one Roman Catholic to another, was produced in the House of Commons, attributing the appointment of Lord Falkland and the Chancellor of the Exchequer to Roman Catholic interest, and made it the ground of attack. Lord Falkland was too well known as a firm opponent to the doctrine of that Church to deem it worth while to notice this libel, nor did he even suffer from the imputation; and no doubt the selection of men of unimpeachable character and known abilities to take part in the direction of the State was calculated to inspire confidence, and was, as Lord Clarendon describes, "very grateful to all those both within "and without the House who wished well to the King "and the kingdom."[2]

Amongst those who offered their early congratulations to Lord Falkland as Secretary of State were the Master and Fellows of St. John's College, Cambridge, the answer to which has been preserved.[3] Whatever might

[1] Clar., 'Life,' vol. i. p. 98.

[2] Hist. Reb., vol. ii. p. 97.

[3] *For the President* (Dr. BEALE) *of St. John's College in Cambridge, with my humble service.*

SIR,

I lately received a letter from yourself, and others of your noble society, wherein, as many titles were given me to which I had none, so that which I should most willingly have acknowledged, and might with

be the opinion of the Fellows of St. John's, it must be acknowledged that congratulations from Dr. Beale bore high testimony to the estimation in which Lord Falkland's character and abilities were held. Dr. Beale had little reason to regard Lord Falkland as a supporter of those views in Church Government which he had professed. His doctrines had been called in question before Parliament (May 1st, 1640); complaints had been made of some passages in a sermon preached by him at St. Mary's, Cambridge, March 27, 1635. The extracts were delivered by Mr. Pym, read in the House of Commons, and referred to a committee. The dissolution of Parliament, four days afterwards, stopped all further proceedings; but the "encouraging of Dr. Beale" is amongst the things charged by Lord Falkland against the Bishops.[1]

most justice claim, you were not pleased to vouchsafe me, that is, that of a St. John's man. I confess I am both proud and ashamed of that; and the latter in respect that the fruits are unproportionable to the seed-plot. Yet, Sir, as little learning as I brought from you, and as little as I have since increased and watered what I did bring, I am sure I still carry about with me an indelible character of that affection and duty to that society, and an extraordinary longing for some occasion of expressing that affection and that duty. I shall desire you to express this to them, and to add this, that, as I never shall forget myself to be a member of your body, so I shall be ready to catch at all means of declaring myself not only to the body, but every member of it,

Sir,

A very humble Servant,

January 16, 1641. FALKLAND.

—*Biog. Brit.*, art. 'Carey.' Lord Falkland playfully alludes to the circumstance of his having been a member of St. John's College, Oxford.

[1] See above, page 56, and Appendix L.

CHAPTER V.

Final breach between the King and the Houses of Parliament — Unsuccessful attempts at Reconciliation — Lord Falkland attends the King at Greenwich upon a Message from Parliament — Lord Falkland, by the King's command, requires Lord Essex and Lord Holland to deliver up the Insignia of their Offices — Lord Falkland advises Mr. Hyde to hasten to York — The Houses present nineteen Propositions to the King — Lord Falkland prepares an Answer, and afterwards joins the King at York — The King's Declaration that he engages in a War against Parliament only in self-defence — Similar Declaration of his chief Supporters — View with which these Declarations were made — Petitions to the King against War.

THE current of events now rushed on with the fearful rapidity to which the conduct of the King respecting the five members had given the impetus, and there was no shutting the floodgates upon a torrent that could not be stemmed. His new counsellors must have felt their only hope lay in waiting till its violence was somewhat spent, or its force somewhat weakened by diversion; that diversion might have been looked for in the dissensions between the Lords and Commons, had not the King, by invading the privileges of both Houses, united them in common hostility against himself. The King removed from Hampton Court to Windsor on the 12th of January, and Lord Clarendon describes his "sad condition, as fallen in ten days from "a height and greatness that his enemies feared, to such "a lowness that his own servants durst hardly avow

"their waiting on him."[1] The Lord Chamberlain and First Gentleman of the Bedchamber, Lords Essex and Holland, asked permission of the Committee in the City to obey the King's summons, and were refused leave of absence from Parliament to fulfil their duties of personal attendance on the sovereign. On the 15th Sir Edward Herbert was impeached for preferring the articles against the five members. Almost every power hitherto exercised by the King was now claimed by the Parliament. It was proposed that the forts, castles, and garrisons should be placed only in the hands of such as the Parliament could confide in. Sir John Hotham and his son were sent to Hull, the elder as governor, without awaiting the consent of the King.[2] The King's retractation respecting the proceedings against the five members was unnoticed by the City Committee, and the matter for a fresh remonstrance was then prepared,[3] in which, amongst a long series of remedies proposed for present evils, it was suggested that all privy councillors and others of trust should be displaced, and such as were not replaced by the Parliament should be forbid all personal access to the King or Queen; that no person should be made a peer but by the consent of both Houses; that all who had been made peers or appointed to any place or office during this Parliament should be put out of office, or be excluded from the House of Peers, unless both Houses assented to their appointment or creation. It was known that the pretensions contained in this remonstrance would

[1] Clarendon's 'Hist. of the Rebellion,' vol. ii. p. 182.
[2] Ibid., p. 181. [3] Ibid., p. 185.

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not be palatable to the Lords, and in this disunion a new ray of hope was opened to the counsellors of the King; it was resolved to send from Windsor such a message to both Houses as might at least "divide those "who desired the public peace from the ministers of "confusion."[1] Accordingly, on the 20th of January the King's proposition and message was delivered to both Houses; it was so well received by the Lords, that they called upon the Commons to unite with them in returning thanks to His Majesty for his gracious offers, but the Commons were not to be appeased. On February 2nd they petitioned the King to know the proofs against the five members, that they might be brought to trial or declared innocent. On February 7th came an offer from Windsor, couched in gracious terms, of such a free and general pardon as should be approved by Parliament.[2] The Commons treated the offer with contempt, and again with the Lords petitioned the King "that the informers against the five members "might be discovered;" and sentence was afterwards passed against Sir Edward Herbert (April 23rd) for accusing the said members.[3] It is impossible to accord to the House of Commons at this period the praise of evincing that desire for peace which ought to be the object, and which can alone be offered in justification, of armed resistance against either the oppressions of civil authority or the aggressions of foreign powers.

It would far exceed the limits of biography to follow closely the course of that prolonged war with the pen,

[1] Clarendon's 'Hist. of the Rebellion,' vol. ii. p. 191.
[2] Parl. Hist., vol. ii. p. 1077. [3] Rushworth, vol. iv. p. 493.

by which the lovers of peace had hoped to prevent the more terrible struggle with the sword. That they failed to obtain the bloodless victory for which they laboured cannot be accounted to them as a fault. No doubt the great ability with which the controversy was conducted by the counsellors of the King, and the respect professed for the law by the leaders in Parliament, succeeded at least in delaying the recourse to arms; perhaps even finally to have averted the great evil of civil war might not have been hopeless to the counsellors of the King, but for the want of that good faith and perfect openness on the part of the King himself which was due to his responsible advisers, and for the secret promise exacted from him by the Queen on her departure for Holland "that he would receive no person "into favour without her privity and consent, and never "make any peace but by her interposition and medi-"ation"[1]—a promise which fettered his actions even against the convictions of his reason. Though Lord Clarendon repeatedly alludes to the union of opinion between himself, Lord Falkland, and Sir J. Culpepper, he has also recorded several instances of shades of difference and of individual action; so that the biographer of any one of the three is not able either to trace in the management of the King's affairs the part performed by each, or to accept every move in the King's counsels as the result of their concurrent opinion. Such glimpses of Lord Falkland's remaining career as are to be found in the writings of Lord Clarendon serve to mark his fidelity to the cause he had espoused

[1] Clarendon, 'Life,' vol. i. p. 156.

and his steady friendship to himself, and by these and other occasional introductions of his name by different authors we can partially track his course.

The King had accompanied the Queen to Dover, whence she was to embark with the Princess Mary for Holland; and on his return to Canterbury he was met by a deputation from both Houses of Parliament, consisting of one peer and two commoners, who were intrusted with a message from Parliament, desiring that the Prince of Wales might not remove from Richmond till the Marquis of Hertford (then suffering from indisposition) was able to accompany him. Mr. Hyde was chosen, much against his will, one of the Commissioners for this errand. The King was greatly offended at the message, and, without waiting to consult his Ministers, returned an answer the same evening, but an answer written under feelings of so much irritation that Mr. Hyde sought the King's private ear to persuade him to get back the answer, and to await the arrival of Lord Falkland and Sir John Culpepper the following day at Greenwich, in order to frame one that should be better suited to the temper of those who sent the message. In the mean time the King's orders to the Marquis of Hertford to bring the Prince to meet him at Greenwich were obeyed; this mollified the anger with which the King had received the message at Canterbury. Lord Falkland and Sir John Culpepper arrived the following day, and an answer was agreed on between the three that gave no fresh cause of disagreement. The King proceeded to Theobald's on the 2nd of February, accompanied by the Prince and the Mar-

quis of Hertford, and there remained till the 3rd of March. The personal risk of being engaged in the King's service was now beginning to be sensibly felt by his Ministers in the House of Commons. Sir J. Culpepper obtained information of a plan to seize Lord Falkland, himself, and Mr. Hyde when there, and to send them to the Tower. It had been resolved when all three were present in the House that somebody should move an inquiry as to who were the persons most likely to have given the King the evil counsels he had lately followed. This was to have been answered by one of the same party naming the two Ministers and Mr. Hyde. A sufficient majority was to be secured to support the accusation, and to cause their being sent to the Tower. The timely warning received by Sir John Culpepper defeated this plan, and from this day the three were never again present at once in the House. Towards the end of March Mr. Hyde had gone into the country to his own house; his absence was commented upon, and there is a letter[1] extant from Lord Falkland, informing him of what had passed on the subject, in order that he might hasten back to London. On the 19th of March, 1641–2, the King reached York:[2] he was again surrounded by powerful adherents gathered round him from northern counties, and by many also from London who dared not attend him at Whitehall. The opportunity seemed to him favourable for fulfilling one of those fatal promises made to the Queen, and, notwithstanding the earnest remon-

[1] See Appendix M.

[2] Clarendon's 'Hist. of the Rebellion,' vol. ii. p. 301.

strances of the three wise counsellors who watched over the conduct of his affairs in London, he persevered in his resolution. He had been deeply offended by the conduct of Lord Essex and Lord Holland in refusing to attend his summons to Hampton Court. The Queen had insisted on their removal, and had gone so far as to declare that she would never live in the Court if Lord Holland kept his place.[1] The promise given to the Queen, being no doubt in accordance with the King's own feelings, strengthened his determination to adopt this ill-judged course, and rendered him inaccessible to advice. The King commanded both these Lords to attend him at York, from which they excused themselves. An order was sent to the Lord Keeper Littleton, "to require the staff and key from the one and "the other."[2] The Lord Keeper immediately proceeded to Lord Falkland, and begged his services to excuse him to the King; he alleged it to be a task

[1] That the Queen had been offended by what she deemed Lord Essex's too great independence for some months is clearly marked in the following letter addressed to Sir E. Nicholas during the King's absence in Scotland:—

"Maistre Nicholas,—I did desire you not to acquainte mi lord of essex "of what the King commanded you touching is commin: now you may "doe it and tell him that the King will be at Tibols vendnesday and shall "lye there and upond thursday he shall dine at milord Majors and lye at "Whitthall onlye for one nitgh and upon friday will goe to hampton-court "where he maenes to stay this vinter: the King commanded me to tell "this to my lord of essex but you may doe it, for there lordsships are to "great prinses now to receaued anye direction from mee: beeng all that I "haue to say I shall rest

"Your assured frand,

"For Maistre Nicholas, "HENRIETTE MARIE R.

"R: 26° Nobris 1641.

"The Q: for me to signify to Lo: Chamb'lan."

—Evelyn's *Diary*, vol. ii. p. 78, 4to.

[2] Hist. of the Rebellion, vol. ii. p. 331.

unsuitable to his office, and feared lest the House should commit him to prison. Lord Falkland conveyed the Lord Keeper's message to the King; he was displeased at this refusal, but, so far from being shaken in his resolution, he repeated his commands to the Lords Essex and Holland, requiring their immediate attendance at York, on the occasion of the feast of St. George, when the Duke of York was to be made a knight of that order, or to resign their insignia of office into the hands of Lord Falkland. He also wrote himself to Lord Falkland, and, with many gracious expressions of excuse at putting such work upon him, commanded him to require the insignia of those offices from the two Earls.[1] This command was grating to the feelings of Lord Falkland, and highly inconsiderate on the part of the King. It was unnecessary to employ any one of higher rank than a gentleman-usher in such a task; and Lord Falkland not only disapproved of this step being taken, but had lived on terms of familiarity and friendship with both the Lords in question. The fears, however, that had withheld the Lord Keeper did not operate upon Lord Falkland. The King had undoubtedly the right to remove or appoint as he pleased the officers of his household, and Lord Falkland conceived his duty to lie in obedience to the commands of his sovereign. He immediately sought Lord Essex and Lord Holland, whom he met on their way to the House, and delivered to them the King's message. They desired, very civilly, "that he would give them leave to "confer together, and they would, within half an hour,

[1] Hist. of the Rebellion, vol. ii. p. 332.

"send for him into the House of Commons."[1] They immediately communicated the King's letters to the House of Lords; the consequence was, that the former order for their attendance in Parliament was confirmed. They forthwith sent to Lord Falkland to meet them in Sir Robert Cotton's garden, and there delivered into his hands the staff and the key. Both Houses bitterly resented this dismissal of the two Peers; strong expressions were used against the evil counsellors who had given his Majesty that counsel, and they concurred in a vote, "that whosoever should accept of either of those "offices should be reputed an enemy to his country."[2] The King's own conduct had been harsh; but undoubtedly such a vote was far more arbitrary in its tendency than the exercise of an undoubted prerogative of the sovereign to dismiss or to choose the officers of his household. The gratification of royal resentment was dearly paid for by the royal cause. Lord Clarendon describes Lord Essex as "in his nature an honest man "and a man of honour," who "did hope nothing more "than to make himself the instrument to reconcile the "Parliament to the King by some moderate and "plausible expedient."[3] He also acknowledges that, had Lord Essex retained the staff by which he was charged with the defence and security of the King's person, he would never have been prevailed upon to command the army raised against the King; and that, if he had not consented to be the general of that army, it could never have been raised.[4]

[1] Hist. of the Rebellion, vol. ii. p. 332. [2] Ibid., p. 333.
[3] Life, vol. i. p. 109. [4] Hist. Reb., ib. p. 331.

The King had wished to impose a similar task upon Lord Falkland with respect to the Lord Keeper, and had actually sent an order to him "to require the seal "from him," but the representations offered by Lord Falkland and Mr. Hyde induced the King to retract this order. By the end of the month of May the King's power to command the presence of his Ministers was so little acknowledged by Parliament, that his summons to the Lord Keeper to attend him at York could only be obeyed by his secret flight from London. Mr. Hyde had also set out about the same time for York, in obedience to the King's orders, having excused himself to the Speaker on the score of health. He had agreed with Lord Falkland that he should remain at a friend's house, near Oxford, till he heard of the Lord Keeper's movements. Lord Falkland was in the act of writing to inform him that the Lord Keeper had been faithful to his word, and had departed on the 23rd of May (1642) for the North, when he was apprised by Dr. Morley,[1] that it was the intention of Parliament to accuse Mr. Hyde of high treason the following day, as having been instrumental to the departure of the Lord Keeper. Lord Falkland instantly advised him to continue his journey northward with all possible speed, and intrusted the letter to Mr. John Ayliffe,[2] who rode with such expedition as to reach Mr. Hyde the same evening.[3]

[1] Afterwards Bishop of Winchester.

[2] Brother to Mr. Hyde's first wife.

[3] At Ditcheley, the seat of Lady Lee, afterwards Lady Rochester. Mr. Hyde reached Yorkshire in safety, and remained for a while concealed at Nostall, the seat of Sir John Worstenholm, twenty miles from York.

It was on the 2nd of June, about a week or ten days after the departure of the Lord Keeper, that Parliament agreed on presenting nineteen propositions to the King for his acceptance, framed on those resolutions which were originally proposed by the City Committee. It was impossible that any sovereign, with whom the liberty of choice or action remained, could ever have been expected to accede to propositions which deprived him not only of the prerogatives of the Crown, but which even interfered with that domestic and parental authority which every subject in the kingdom would have regarded as a right. Mr. Hyde having left London, the task of writing the reply to the nineteen propositions devolved upon Lord Falkland and Sir John Culpepper; the result of their labours was forwarded to Mr. Hyde at York. The Parliament now proceeded to such extremities as rendered it no longer safe for those Ministers who differed with the majority to remain there; not above a fifth of the House of Commons nor above twenty peers continued at Westminster. All persons were forbidden to resort to the King, and those who were on their journey to York were intercepted and committed to prison;[1] this rendered the position of the faithful advisers of the Crown extremely perilous. Lord Falkland and Sir John Culpepper quitted London, and reached York in safety. Lord Falkland was disappointed at finding that the answer to the nineteen propositions had not been already printed, and some expressions of momentary irritation passed between him

[1] Clarendon, 'Life,' vol. i. p. 37.

and Mr. Hyde on the subject. The MS. was sent to the press that night, and, with the King's consent, immediately published. Mr. Hyde then explained to Lord Falkland the cause of his having withheld the publication. Lord Falkland and Sir John Culpepper had divided the propositions between them that were to be answered, and in the part prepared by Sir John Culpepper, he had assumed that the King, the House of Peers, and the House of Commons made the *three estates*. This assumption, as Lord Clarendon tells us, was partly made on the authority of lawyers, and partly on the declaration of prelatical preachers, who maintained that Bishops did not sit in Parliament as the representatives of the clergy, and were not therefore the third estate. It is to be supposed that Lord Falkland was convinced by Mr. Hyde's arguments that Sir John Culpepper had been mistaken on this point, as he informs us that, when Lord Falkland knew the reason of his having withheld the answer, he was much troubled, and imputed it to his own inadvertence, and to the influence of lawyers and preachers on Sir John Culpepper.[1]

On the 13th of June, 1642, the King issued a declaration of what obedience he required from those who then attended him at York, accompanied by an assurance that it was not his intention to engage them in a war against Parliament, unless as a measure of defence.[2] This was responded to by a promise on the part of forty-five peers and others, including the name of Lord Falk-

[1] Clarendon, 'Life,' vol. i. p. 130. The answer to the nineteen propositions was delivered in Parliament on the 21st of June.

[2] Rushworth, vol. iv. part iii. p. 626.

land.[1] Two days afterwards (on the 15th of June) the King in council made a still stronger declaration against any intention on his part of levying war, and called upon all his nobility and Council to bear witness to his frequent and earnest declaration to that purpose. This appeal produced the following document, signed by forty-five peers and others :—

"We, whose names are underwritten, in obedience to his Majesty's desire, and out of the duty which we owe to his Majesty's honour and to truth, being here upon the place and witnesses of his Majesty's frequent and earnest declarations and professions of his abhorring all designs of making war upon his Parliament, and not seeing any colour of preparations or counsels that might reasonably beget the belief of any such designs, do profess before God, and testify to all the world, that we are fully persuaded that his Majesty hath no such intention; but that all his endeavours tend to the firm and constant settlement of the true Protestant religion, the just privileges of Parliament, the liberty of the subject, the law, peace, and prosperity of this kingdom."[2]

[1] The peers engaged themselves "not to obey any orders or commands "whatsoever, not warranted by the known laws of the land; and to "defend his Majesty's person, crown, and dignity, together with his just "and legal prerogative, against all persons and power whatsoever; that "they would defend the true Protestant religion established by the law "of the land, the lawful liberties of the subjects of England, and just "privileges of his Majesty and both his Houses of Parliament; and, lastly, "they engaged themselves not to obey any rule, order, or ordinance what-"soever, concerning any militia, that had not the royal assent."

[2] Signed by

Lord Littleton, Lord Keeper.	Earl of Salisbury.
Marquis of Hertford.	Earl of Cambridge.
Earl of Southampton.	Earl of Lindsay.
Earl of Devonshire.	Earl of Bath.
Duke of Richmond.	Earl of Dorset.
Earl of Cumberland.	Earl of Northampton.

The signing of this declaration by men of unimpeachable honour has been a subject of wonder, of regret, and of censure. The King's duplicity has seemed to cast a shadow on those around him, and they have incurred the odium of disingenuousness, if not of falsehood, in having, as it were, certified the truth of the King's declaration. When, however, posterity sits in judgment on the conduct of those whose career in this life has long closed, it is more generous, and not less just, to look rather for those springs and motives of action that are consistent with the general tenor of their character, than to seek for startling contrasts between their actions and their principles, and to attribute to baseness what imperfect knowledge may have rendered obscure. On the 15th of June a solemn assurance that the King had no intention of making war upon his Parliament was published to the kingdom, signed by forty-five persons of high rank and responsible situations, most of whom were witnesses of the King's daily actions, and some of whom were intrusted with the management of his affairs. Such a declaration seems so strangely at

Earl of Clare.
Earl of Monmouth.
Earl of Carnarvon.
Lord Willoughby of Eresby.
Lord Newark.
Lord Rich.
Lord Coventry.
Lord Capel.
Earl of Westmoreland.
Earl of Rivers.
Earl of Newport.
Lord Grey of Ruthin.
Lord Pawlett.
Lord Savill.
Lord Dunsmore.
Earl of Bristol.
Earl of Berkshire.
Earl of Dover.
Lord Mowbray and Martravers.
Lord Howard of Charleton.
Lord Lovelace.
Lord Mohun.
Lord Seymour.
Lord Falkland.
Sir P. Wich.
Secretary Nicholas.
Sir J. Colepepper, Chanc. of Exch.
Lord Chief-Justice Banks.

variance with the events which immediately followed, and even preceded, its publication, that it is necessary to consider in what sense the levying war against the Parliament was both used and understood. That the declaration was intended to convey the assurance that the King remained a passive spectator of the active preparations by the Parliament for approaching hostilities, would have been too manifestly absurd to incur the censure of duplicity. The Parliament, on the 10th of June, had called upon their members and others to contribute money and plate, and to provide horses, horsemen, and arms for the public use, with the promise of being repaid with interest. On the 12th the King's Commission of Array, accompanied by a King's letter, was sent into Leicestershire;[1] the legality of this Commission was denied by the Parliament. On the 18th and on the 20th a proclamation appeared, to re-assert the lawfulness of the Commission of Array, issued throughout the counties of England and Wales. This Commission of Array was intended to counteract the Parliamentary Militia ordinance; and could it be doubted that, when the King and the Parliament had already begun to raise troops on separate and opposite authorities, each had, in fact, made their first step towards a struggle of arms? From these and other events it might be fairly inferred that the denial of the King's intention of levying war must have referred to the accusation of preparing for an act of aggression. The question undetermined when that declaration was signed was, on which side should fall the blame—not of

[1] Rushworth, vol. iv. p. 657.

taking up arms for defence, but of beginning the war. With the Lords' declaration and profession was published so full a declaration of the King's grievances and future intentions as was utterly incompatible with any attempt to deceive respecting the preparations then making. "We have," says the King's declaration, "upon all occasions, with all possible expressions, professed our fast and unshaken resolutions for peace; "and we do again, in the presence of Almighty God, "our Father and Redeemer, assure the world that we "have no more thought of making a war against our "Parliament than against our own children; that we "will maintain and observe the Acts assented to by us "this Parliament without violation, of which that for "the frequent assembling of Parliaments is one; and "that we have not, or shall not have, any thought of "using any force, *unless we shall be driven to it for the "security of our person and for the defence of the religion, "laws, and liberty of the kingdom, and the just rights "and privileges of Parliament.*" Then follows the full explanation of the Lords' professions: "That all our "loving subjects may see how causeless and groundless "this scandalous rumour and imputation of our raising "war upon our Parliament is, we have, with this our "declaration, caused to be printed the testimony of "those Lords and other persons of our Council who are "here with us." Then, warning all loving subjects not to obey the ordinance (of militia, or propositions for bringing money and arms issued by Parliament), the declaration continues: "But if, notwithstanding this clear "declaration and evidence of our intentions, these men

". . . . . shall think fit by these alarms to awaken us " to a more necessary care of the defence of ourself " and our people, and shall themselves, under colour of " defence, in so unheard-of a manner, provide to offend " us," " all our good subjects will think it necessary to " look to ourself; and we do then excite all our well- " affected people, according to their oaths of allegiance " and supremacy, and according to their solemn vow and " protestation (whereby they are obliged to defend our " person, honour, and estate), *to contribute their best* " *assistance to the preparations necessary for the op-* " *posing and suppressing of the traitorous attempts of* " *such wicked and malignant persons.*" Then came the requisition, that, " upon so urgent and visible necessity, " whosoever would bring in to the use of the King ready " money or plate, or shall underwrite to furnish any " number of horses, horsemen, and arms for the pre- " servation of the public peace, the defence of the " King's person, and the vindication of the privilege " and freedom of Parliament, the King would receive " it as a most acceptable service, and as a testimony of " his singular affection to the Protestant religion, the " laws, liberties, and peace of the kingdom; the con- " tinuance of that affection should no longer be desired " than he should be ready to justify and maintain with " the hazard of his life." [1]

It is unnecessary to quote other passages of this declaration, as well as of those published as a rejoinder to the reply of the Parliament, to show in what sense the term of " preparation for war " was under-

[1] Parl. Hist., vol. ii. pp. 1377-1380.

stood by those of the King's Council who signed their declaration. Those Counsellors who were principally concerned in the management of the King's affairs had good reason to know the peaceful intentions of the various declarations and professions that had been issued in the King's name. Lord Falkland, Sir John Culpepper, and Mr. Hyde might truly be regarded as ministers for peace; every declaration written by them was in the hope of warding off that terrible alternative towards which the current of events now seemed about to drift both parties; and it may fairly be supposed that, as nothing could be more agreeable to their own views than thus repudiating all design of aggressive war, they must have been well content of every opportunity that enabled them to confirm the King in similar intentions, by committing him with his own consent to the same pacific policy. That the King in his negotiations with the Parliament was always guilty of some mental reservation, founded on his hopes of foreign succours to be raised by the Queen, was afterwards undeniably proved. The exact line between premeditated deceit, infidelity to engagements, and fickleness of purpose, can seldom be traced with certainty in the conduct of Charles; but that he was never bound by the expectations his promises had raised, when their abandonment better suited the purpose of the moment, was but too fully proved by the history of his whole reign; and it was thus he shook the confidence of his most faithful advisers, and afforded to his enemies an excuse for acts of aggression as measures of defence.

The alarm at the threatened collision between the

King and the Parliament was now manifested in various ways: amongst others, in loyal petitions addressed to the King, most of them praying for some accommodation between the King and Parliament. The first of these petitions was from Hertford, bearing date June 7th; the next was a Cornish petition, signed by forty-three gentlemen at Lostwithiel, and 7000 more esquires, gentlemen, &c.; then a petition, July 5th, from the counties of Cumberland and Westmoreland, signed by 4774 knights and gentlemen; a petition from Holdernesse, complaining of Sir John Hotham taking into Hull part of the train-bands, drowning their lands, &c.; a petition from Kent, August 1st; and a petition from Flint, August 4th. To all these were returned answers bearing Lord Falkland's signature; these were admirably adapted to their purpose, dignified, clear, and forcible; but though Lord Falkland's name is appended to each, and in some his style of writing may be recognised,[1] it would be impossible to quote any of these documents as wholly of his composition. The various declarations that issued from the Court in Yorkshire are too numerous and too long to be here recapitulated. There is no certain evidence of what portion in each may have been approved of or suggested by the subject of this memoir; nor could they convey a just estimate of the due allowance to be made for the conduct of each of the conflicting parties without the insertion of the replies and rejoinders of the Parliament.

[1] See Appendix N.

CHAPTER VI.

Preparations for War — The King's Standard erected at Nottingham — Overtures for a Reconciliation made by the King on the advice of his Ministers — Rejected by the Parliament — Lord Falkland is excluded from the House of Commons — Reproof of Prince Rupert by Lord Falkland — Battle of Edgehill — Gallant and humane Behaviour of Lord Falkland — The King advances to Colnbrook, where he receives a pacific Message from the Parliament — Prince Rupert frustrates the Negotiation — The King retires to Oxford for the Winter — Wager of the King and Lord Falkland about Mr. Hyde's Style of Writing.

EACH side declared for peace, whilst each now prepared for war. On the 22nd of June forty-three lords and gentlemen at York voluntarily engaged to assist the King in defence of his "royal person," "the two Houses of Parliament," "the Protestant religion," &c. &c., by the paying, according to their respective means, for so many horses for three months.[1] Lord Falkland

[1] "A CATALOGUE of the Names of the Lords that subscribed to levie "Horse to assist His Majesty in defence of His Royall Person, the "two Houses of Parliament, and the Protestant Religion.

"Yorke, the 22nd of June, 1642.

"Whereas it may be collected by severall Declarations printed in the "name of both Houses of Parliament, That the King's sacred person, the "Houses of Parliament, the Protestant Religion, the lawes of the land, "the liberty and propriety of the subject, and priviledges of Parliament "are all in danger:

"We whose names are under-written doe voluntarily offer and severally "ingage ourselves, according to the following subscriptions, to assist His "Majestie in defence of His Royall Person, the two Houses of Parliament, "the Protestant Religion, the lawes of the land, the liberty and pro-"priety of the subject, and priviledges of Parliament; when His Majestie "shall have given Commission under the Great Seale for levying of

contributed twenty horses. Lord Lindsay was appointed General of the King's forces on the 12th of July; Lord Essex was appointed Lord General by the Parliament.[1]

" forces for those purposes, against all power, levies, and forces what-
" soever, or to be raysed upon any pretence whatsoever:

" To pay horses for three months, thirty dayes to the month, at
" two shillings sixpence *per diem*, still advancing a month's
" pay, the first payment to begin so soone as the King shall
" call for it after the Commissions shall be issued under the
" Great Seale. In this number are not to be reckoned the
" horses of the subscribers, or those that shall attend them:—

	Horse.		Horse.
" The Prince	200	Earl of Newport	50
The Duke of York	120	Lord Mowbray	50
Lord Keeper	40	Lord Willoughby	30
Duke of Richmond . . .	100	Lord Grey of Ruthin . . .	10
Lo. Marquesse Hartford . .	60	Lord Lovelace	40
Lord Great Chamberlain . .	30	Lord Paget	30
Earl of Cumberland . . .	50	Lord Falconbridge to come .	
Earl of Huntingdon . . .	20	Lord Rich	30
Earl of Bath	50	Lord Pawlet	40
Earl of Southampton . . .	60	Lord Newark	30
Earl of Dorset	60	Lord Montague	30
Earl of Northampton . . .	40	Lord Coventrey	100
Earl of Devonshire . . .	60	Lord Savill	50
Earl of Dover	25	Lord Mohun	20
Earl of Cambridge	60	Lord Dunsmore	40
Earl of Bristoll	60	Lord Seymour	20
Earl of Westmorland . . .	20	Lord Capell	100
Earl of Barkshire and L. Andover	30	*	
Earl of Monmouth	30	Lord Faulkland	20
Earl Rivers	30	Master Comptroller . . .	20
Earl of Carnarvan	20	Master Secretary Nicholas .	20
		Lord Chief-Justice Bankes .	20

" * The Lord Thanet is not here, but one hath undertaken for 100 for him.

Sum total . . . . . 1695."

—*Vide* vol. iii. of bound pamphlets, from 1640 to 1642, in the possession of the Earl of Essex.

[1] On the Speaker of the House of Lords acquainting the Earl of Essex that the Lords consented to the wishes of the Commons in his appointment, the Earl gave their Lordships thanks.

On the 11th of August a letter was addressed from the King to the Lords, with a proclamation for suppressing the rebellion under the command of Robert Earl of Essex, with offer of free pardon to him and his adherents should they lay down their arms within six days. The offer of pardon was scornfully rejected, and the proclamation defied. A counter declaration and proclamation followed, requiring the King to disband his army, and to abandon and leave to condign punishment his evil counsellors.

On the 18th the Parliament declared all such as assisted the King to be *traitors*. On the 22nd the King's standard was erected at Nottingham.[1] This decisive step on the Royalist side did not, however, diminish the ardent desire for peace on the part of his wisest and most faithful counsellors. It was urged upon the King that he should "send a message to the Par-"liament, with some overture to incline them to a "treaty."[2] The King was indignant even at the proposal, declared he never would yield to it, and broke up the council. The next day, however, the same advice was still more earnestly renewed, and the King was at last prevailed on to consent, but rather from the belief that the offer would be rejected than with any desire it should be accepted.[3] The Earl of Southampton,

[1] Lord Clarendon gives the 25th of August as the day on which the standard was erected. This does not correspond with the date given by Rushworth and Whitelocke; but Lord Clarendon afterwards speaks of the first message of peace (dated the 25th of August) as being three days after the erection of the standard. It is probable, therefore, that the 25th is a mere clerical error.—*Vide* Hist. of the Rebellion, vol. iii. pp. 206, 211.

[2] Ibid., vol. iii. p. 203.

[3] "The King was so exceedingly afflicted after he had given his consent,

who had been strongly in favour of this step, was appointed to be the bearer of this message of peace to the Lords, whilst Sir John Culpepper was to be the messenger to the Commons. The Lords refused to allow Lord Southampton to deliver the message in person, and, after an ineffectual resistance on his part against the surrender of his commission into other hands, it ended in his being obliged to send in the King's message by Mr. Maxwell. Sir John Culpepper asked leave of the House of Commons to deliver the King's message, an order of the House existing that prevented his appearing there without leave.[1] The Commons showed more respect on this occasion to the messenger of the King than the Lords had done, and he was admitted in person to deliver the King's message of peace. A conference with the Lords followed its delivery, the result of which was its total rejection, accompanied

" that he broke out into tears; and the Lord Southampton, who lay in " the bedchamber that night, told Mr. Hyde the next morning that the " King had been in so great an agony that whole night that he believed " he had not slept two hours in the whole night, which was a discom- " posure his constitution was rarely liable to in the greatest misfortunes of " his life." The King determined he would send no message but what Mr. Hyde prepared, and he " confessed himself better pleased with the " message itself than the thought of sending it to them." Mr. Hyde succeeded in some degree in soothing the King's distress; and on his " earnestly " desiring his Majesty would compose his own countenance, and abolish that " infectious sadness in his own looks, which made the greatest impression " upon men, and made them think that he found his condition to be more " desperate than anybody else believed it to be, the King was very well " pleased with the discourse, and told him he was a very good comforter," &c. —*Vide* Appendix F, Clarendon's 'Hist. of the Rebellion,' vol. iii. pp. 621-4.

[1] An order had passed that all the members who " were not present on " a certain day should not presume to sit there till they had paid 100*l.*, " and given the House satisfaction in the cause of their absence."—Ibid., p. 209.

by orders to the Lord General (Essex) to advance his forces with all possible speed. The King had neither wished nor expected any other result from the proposal that he had been so unwillingly forced to make, and he pleased himself with the hope that he should not again be required to address the two Houses; but his counsellors, more true to their trust than solicitous to please, relaxed not in their endeavours to adopt some course that should avert the collision of arms. He was advised, as Lord Clarendon records, by "some whom "he trusted as much as any, and those whose affections "were as entire to him as any men's, to give all other "thoughts over, and instantly to make all imaginable "haste to London, and appear in the Parliament "House before they had any expectation of him. "They conceived there would be more likelihood for "him to prevail that way than by any army he could "raise; and it must be solely imputed to his Majesty's "own resolution that he took not that course."[1]

It is evident from Lord Clarendon's expression that this advice was specially tendered to the King by those three upon whose counsels he had mainly depended for guidance in his fallen state, but, nevertheless, the advice was rejected. The presence of the Sovereign in the capital at this juncture of affairs would have been calculated to give that confidence to the Parliament in his sincerity which his professions and declarations failed to inspire. In truth, it was not Charles, but his advisers, who were sincere in the present wish for peace. He had been with extraordinary difficulty brought to

[1] Clarendon's 'Hist. of the Rebellion,' vol. iii. p. 212.

consent to the first message; he now absolutely refused to adopt the counsel of presenting himself to Parliament. Perhaps he felt himself supported in this resistance by the knowledge of the opinions of others, to whom he was bound by the ties of affection and relationship. Prince Rupert, who was in command of the horse at Leicester, was so indignant at the King's first message being sent, or at any question of a treaty, that he and some of his principal officers even talked of offering violence to those who had advised it.[1] The promise given to the Queen on her departure, that he would not again approach the capital so long as the Parliament was sitting, but too probably retained its hold upon his memory, and the more surely because it accorded with his own feelings. As a compromise, however, he allowed a second message of peace to be carried to the Parliament, and on the 5th of September

[1] Lord Sunderland, in a letter addressed to his wife, the Lady Dorothy Sidney (well known as the Sacharissa of Waller), dated Shrewsbury, September 21, 1642, fully bears out the statement that the King had been worked upon by some to no longer desire peace, though he seems to do him more than justice in the belief that he "heartily wished it" when the late messages were sent to Parliament:—

"If there could be an expedient found to solve the punctilio of honour, "I would not continue here an hour. The discontent that I and many "other honest men receive daily is beyond expression. People are much "divided; the King is of late very much averse to peace, by the per- "suasions of 202 and 111 (?). It is likewise conceived that the King has "taken a resolution not to do anything in that way before the Queen "comes; for people advising the King to agree with the Parliament was "the occasion of the Queen's return. Till that time no advice will be "received; nevertheless the honest men will take all occasions to procure "an accommodation, which the King when he sent the late messages did "heartily desire, and would still make offers but for 202 and 111, and "the expectation of the Queen and fear of the Papists, who threaten people "of 342."—Sidney, *Mem.*, vol. ii. p. 657.

Lord Spencer and Lord Falkland were the messengers appointed for its delivery to the two Houses. The same scene was enacted as that which had passed with Lord Southampton and Sir John Culpepper. Lord Falkland was allowed to deliver his message and then retire.[1] Two days afterwards he was the bearer of the reply of the Parliament to the King, which amounted to little more than the repetition of their answer to the first message. On the 13th, before leaving Nottingham, the King addressed a third message to the Parliament, which, Lord Clarendon says, was "as a farewell to his "hopes of a treaty, and to make the deeper sense and "impression in the hearts of the people, of those who "had so pertinaciously rejected it."[2]

[1] *Lord Falkland's Message to Parliament.*

"We will not repeat what means we have used to prevent the dangerous "and distracted estate of the kingdom, nor how those means have been "interpreted; because, being desirous to avoid the effusion of blood, we "are willing to decline all memory of former bitterness that might render "our offer of a treaty less readily accepted. We never did declare, nor "ever intended to declare, both our Houses of Parliament traitors, or set "up our standard against them, and much less to put them and this "kingdom out of our protection. We utterly profess against it before "God and the world; and farther, to remove all possible scruples which "may hinder the treaty so much desired by us, we hereby promise (so "that a day be appointed by you for the revoking of your declarations "against all persons as traitors or otherwise for assisting of us) we shall, "with all cheerfulness, upon the same day recall our proclamations and "declarations, and take down our standard. In which treaty we shall "be ready to grant anything that shall be really for the good of our sub-"jects; conjuring you to consider the bleeding condition of Ireland and "the dangerous condition of England, in as high a degree as by these "our offers we have declared ourself to do; and assuring you that our chief "desire in this world is to beget a good understanding and mutual con-"fidence betwixt us and our two Houses of Parliament."—Clarendon, *Hist. of Rebellion*, vol. iii. p. 212; *Com. Journ.*, vol. ii. p. 753.

[2] Ibid., p. 218.

This last declaration was certainly well calculated to produce a deep impression on the hearts of those who recoiled with natural horror from the certain outbreak of a civil war; it was written with all the dignity and courage becoming a sovereign towards his people, with the humility and resignation due from man to his Maker. Even at this distance of time it is impossible to read this final address without being moved by the solemn and pathetic tone which pervades its sentiments throughout, and without deeply mourning that the Parliament at this critical moment was not represented by counsellors as wisely pacific as those who had wrung from the King the power of thus serving his cause in spite of himself. "Who have taken most ways, used "most endeavours, and made most real expressions to "prevent the present distractions and dangers, let all "the world judge, as well by former passages as by our "two last messages, which have been so fruitless, that, "though we have descended to desire and press it, not "so much as a treaty can be obtained, unless we would "denude ourself of all force to defend us from a visible "strength marching against us, and admit those persons "as traitors to us, who, according to their duty, their "oaths of allegiance, and the law, have appeared in "defence of us, their King and liege lord (whom we "are bound in conscience and honour to preserve), "though we disclaimed all our proclamations and de-"clarations, and the erecting of our standard, as against "our Parliament. All we have now left in our power is "to express the deep sense we have of the public misery "of this kingdom, in which is involved that of our

"distressed Protestants of Ireland, and to apply ourself "to our necessary defence, wherein we wholly rely "upon the providence of God, the justice of our cause, "and the affection of our good people; so far we are "from putting them out of our protection. When you "shall desire a treaty of us, we shall piously remember "whose blood is to be spilt in this quarrel, and cheer- "fully embrace it. And as no other reason induced "us to leave our city of London but that with honour "and safety we could not stay there, nor to raise any "force but for the necessary defence of our person and "the law against levies in opposition to both, so we shall "suddenly and most willingly return to the one and "disband the other as soon as these causes shall be "removed. The God of Heaven direct you, and in "mercy divert those judgments which hang over this "nation, and so deal with us and our posterity as "we desire the preservation and advancement of the "true Protestant religion, the law and the liberty of "the subject, the just rights of Parliament, and the "peace of the kingdom."[1]

The leaders in Parliament were probably well aware that Charles's own opinions were often not represented in the declarations and addresses that issued from his Court, and in that consists their apology, if not justification, in continued resistance, but they had no reason to doubt the sincerity of those by whom these addresses were really penned; yet on the 22nd of September we find that a resolution passed the House of Commons

[1] Clarendon's 'Hist. of the Rebellion,' vol. iii. p. 218.

" that the Lord Falkland shall be disabled for continuing " any longer a member of this House during this Par- " liament,"[1] and excluded the names of Lord Falkland, Mr. Secretary Nicholas, Mr. Hyde, and some others from the clemency that was to be extended to the adherents of the King by their Lord-General, Lord Essex.[2]

It was in the beginning of the present month (September) that Prince Rupert and Prince Maurice (nephews to the King) arrived in England to assist their uncle in his military operations: the rash conduct and haughty bearing of the elder of these two young princes has become a fact of almost proverbial notoriety. The Earl of Lindsay had been appointed General of the whole army. Prince Rupert afterwards received his commission as General of the Horse, with a clause inserted to exempt him from receiving orders from any but the King himself; which at once separated him from

[1] Com. Journ., vol. ii. pp. 775, 777.

[2] The following notice of this event shows that the conduct of Parliament did not pass without notice in one of the publications of the time :— " We would be glad to know what was the cause of turning the Lord " Faulkland, Sir John Culpepper, Sir Jo. Strangwaies, Master G. Palmer, " and divers others out of the Houses (for they were voted out by scores " hand over head), unlesse it were because they spake more reason than " the more violent party could answer; and therefore it was come to that " passe, that (cleane contrary to the use, yea, and the honor of Par- " liaments too) things were not debated by reason and strength of argu- " ment, but by putting it to the question and carrying it by most voices, " where the greatest number were so far from understanding many times " the force of arguments, that they did not, after the vote was past, con- " ceive the state or sense of the question, but thought it was enough " for them to vote with Master Pymm or Master Hampden by an im- " plicate faith; and if they differed (as seldom they did), then, crosse or " pyle, vote at venture."—*A Complaint to the House of Commons*, Oxford, 1642; Pamphlets, vol. iii., in the possession of the Earl of Essex.

the command of General Lindsay,[1] and occasioned considerable jealousy between the officers of the foot and those of the horse. This exemption, founded on misplaced pride, and alike subversive both of military discipline and civil authority, led on one occasion to a well-timed reproof from Lord Falkland. Before the battle of Edgehill, the King, receiving intelligence of the enemy's movements after he had retired to bed, ordered Lord Falkland to direct Prince Rupert what he should do. The Prince regarded this as an infraction of his peculiar right, and remonstrated in great anger with Lord Falkland for giving him orders.[2] Lord Falkland replied, "that it was his office to signify what the King "bid him, which he should always do, and that his "Highness, in neglecting it, neglected the King;" indeed, as Lord Clarendon adds, "there was no man "against whom the Prince could direct his anger who "would feel or regard it less than Lord Falkland."

On the evening of the 22nd of October the armies of the King and of the Parliament found themselves within seven or eight miles of each other, and it was decided on the morrow to test their strength by the first general battle. Accordingly, on Tuesday morning, the 23rd of October, the Royalist army was ordered to rendezvous on the top of Edgehill, about two miles from Keinton, where that of the Parliament, under the command of the Earl of Essex, was stationed. Lord Falkland, Sir J. Culpepper, and Mr. Hyde were quartered in a village called Culworth, with the Earl of Lindsay, and, immediately on hearing the King's order for the army

[1] Clarendon's 'Hist. of the Rebellion,' vol. iii. p. 270. [2] Ibid.

to assemble at Edgehill, made all possible haste to the scene of action. Mr. Hyde was ordered by the King to retire with the Prince of Wales and the Duke of York to the top of the hill, and there to remain during the engagement. Sir J. Culpepper charged with Prince Rupert on the right wing, but Lord Falkland had naturally no inclination to serve under a commander who had so recently forgotten what was due to the King, and to himself as his minister; he determined, therefore, to charge with Wilmot, to whom was intrusted the left wing. Lord Falkland was not only a man of remarkable courage, but one of those daring spirits to whom danger is not without a charm in itself. In describing the battle of Edgehill, Lord Clarendon says, "In all "such actions Lord Falkland forgot that he was Secre- "tary of State, and desired to be where there would "probably be most to do."[1] It would have been well for the King's service if in this battle his suggestions had been more heeded. He had observed that the horse of the enemy had made no resistance that day, and yet that a body under command of Sir William Balfour remained whole. He asked leave of his commander to be allowed himself to charge them, and, finding he made but little impression, he again pressed his request, to which however Wilmot, with blind confidence, replied, "My Lord, we have got the day, and "let us live to enjoy the fruit thereof."[2] This small body, which had been kept in reserve, afterwards proved a most formidable force. They had waited unmolested till the King's horse had nearly disappeared from the

[1] Clarendon's 'Hist. of the Rebellion,' vol. iii. p. 634. Appendix I.
[2] Ibid.

field. Prince Rupert had engaged in hot pursuit of the right wing of the enemy, whilst Wilmot was engaged with the other wing. Sir William Balfour then rushed upon the foot and did fearful execution. The Earl of Lindsay was mortally wounded, his son taken prisoner, the standard-bearer, Sir Edward Verney, killed, and the King with his two sons, guarded by less than a hundred men, were approached within half a musket-shot before they were aware of the advance of this successful body.[1] It was not only for his foresight and his personal courage that Lord Falkland deserves to be mentioned on this occasion; before the day closed he had earned those still brighter laurels which are due to the constant exercise of humane and benevolent feelings. His gallant spirit always led him "to engage his person "with those troops whom he thought by the for-"wardness of the commander to be most like to be "farthest engaged; but, far from taking any delight in "the execution that usually attended such encounters, "he took pains to prevent it when it was not, by re-"sistance, made necessary."[2] On the present occasion, no sooner was the enemy routed than, at the imminent risk of his own life, he actively interposed to save those who had thrown away their arms, and whose defenceless condition seemed rather to increase the ferocity with which they were attacked: thus justifying Lord Clarendon's pointed description of the courage and humanity of his friend, of whom he says, "Any man might "think he came into the field chiefly out of curiosity to

[1] Clarendon's 'Hist. of the Rebellion,' vol. iii. p. 280.
[2] Ibid., vol. iv. pp. 251-2.

"see the face of danger, and charity to prevent the "shedding of blood."[1] The victory was claimed by each party; the question really at issue was rather which had lost most in this undecided battle, than which could boast of the greatest success. The Earl of Essex retreated to Warwick. The King appointed the Earl of Ruthin General of the army in the place of the Earl of Lindsay, and marched to Banbury, which surrendered with its garrison of 1000 men. The following day he proceeded to his own house at Woodstock, and the day after with his whole army entered Oxford, where he was received by the University with every demonstration of loyalty. The sick and wounded were attended to, the troops reunited, and the King's funds augmented by the voluntary gifts from the different colleges of all the money in their treasuries. From Oxford the King marched to Reading; his approach created much alarm in the capital: the Earl of Essex continued at Worcester, and the Parliament determined now on asking a safe-conduct for a Committee of Lords and Commons to attend his Majesty with an humble petition from his Parliament. The following answer was addressed by Lord Falkland to Lord Grey de Warke, as Speaker of the House of Lords, dated Reading, November 6th, 1642:—

"MY LORD,—

"Your Lordship's of the 5th of this month I showed unto his Majesty, who hath commanded me to return your Lordship an answer in these words:—That his Majesty hath now sent (which I have enclosed) a safe-conduct, under his

[1] Clarendon's 'Hist. of the Rebellion,' vol. iv. p. 253.

Royal hand and signet, for the Earl of Northumberland and the Earl of Pembroke and Montgomery, Mr. Pierpointe, the Lord Wenman, and Sir John Hippesley; but hath not admitted Sir John Evelin, of Wilts, to attend him, as being included in the exception made by his Majesty in the letter of the 4th of this month, sent by Mr. Secretary Nicholas to your Lordship, as by the enclosed proclamation (proclaimed at his Majesty's Court at Oxford, and sent with a writ sealed in the county of Wilts) will appear. His Majesty hath likewise commanded me to signify to your Lordship that, in case the Houses shall think fit to send any other person in the place of Sir John Evelin, that is not included in the exception made in Mr. Secretary's letter before mentioned, his Majesty hath commanded all his officers and soldiers and other subjects to suffer him as freely to pass and repass as if his name had been particularly comprised in this safe-conduct. This being all that I have in commission, I rest

"Your Lordship's humble servant,

"FALKLAND.

"Reading, Nov. 6, 1642.

"For the Right Honourable the Lord Gray of Warke, Speaker of the House of Peers *pro tempore*."[1]

The messages and discussions that arose respecting the presence of Sir John Evelyn produced some delay in the sending of this Committee. In the mean time the King had marched to Colnbrook, where, on the 11th of November, the Earls of Pembroke and Northumberland, and others, presented the petition of Parliament, of which the object was pacific. The King's answer was in the same spirit, and the favourable report made by the Committee to the Parliament of the King's

[1] Lords' Journals, vol. v. p. 435.

reception, together with the fear now entertained of the Royalist army, might have afforded some hope of accommodation had the King returned to Reading as was intended, or even remained at Colnbrook till he heard again from the Parliament. To this opinion Lord Clarendon (never too favourable a witness to the intentions of Parliament) certainly inclines in his account of these preliminaries to a treaty, and attributes the failure to the impetuosity of Prince Rupert. Without discussing the merits of his military genius, it was clear that the headstrong zeal of this ungoverned Prince was little fitted to cope with the difficulties or to serve the cause in which he was now engaged. Ignorant of the value to be placed on the sources from which he derived information, and with no other ideas but those of conquest and victory in a war of opinion, he was ill able to appreciate the grave questions that were inseparably connected with a struggle for constitutional liberty;—a struggle which had throughout involved questions less of physical force than of the authority of law and the philosophy of government; a struggle which, when brought to the issue of arms, needed as much the vigilant eye of the statesman as the ready hand of the soldier to bring to a happy termination. The welcome information poured into Prince Rupert's ear that the King had a large party in the capital, and the flattering assurances of the fear with which he himself had inspired the enemy, made him now determine, without orders from the King, the very morning after the Committee returned to London, to advance as far as Hounslow; from thence he sent to Colnbrook, to desire

that the army might follow, which, as Lord Clarendon says, became then a necessity, for, "if the King had "not advanced, those who were before might very "easily have been compassed in, and their retreat made "very difficult."[1]

Both Houses were so well pleased with the report of the Committee, that they resolved to send an order to their troops "that they should not exercise any act of "hostility towards the King's forces," and sent a messenger to the King to ask "that there might be the like "forbearance on his."[2] The messenger found both parties in the height of an engagement at Brentford, and returned to London without seeking to deliver his message, and without therefore the King knowing either that any such had been intended to be given, or that the proposed treaty was now considered by the Parliament at an end. This hostile encounter at Brentford, where many lives were lost on both sides, many prisoners made, and many guns and colours captured by the Royalists, was regarded by the Parliament as an act of premeditated perfidy and treachery on the part of the King, occurring as it did at the moment when a treaty of peace was demanded on both sides, and sincerely intended on theirs. The King returned to Hampton Court and thence to Oatlands, where he received the Parliament's allegations against him for marching upon Brentford, and from Oatlands he returned to Reading. The following declaration, issued from Oatlands, seems to correspond with that which Lord Clarendon describes as being drawn up by

[1] Clarendon's 'Hist. of the Rebellion,' vol. iii. p. 327.
[2] Ibid., p. 328.

Lord Falkland, and is not without the characteristic marks both of his style and feelings in the wish for peace and the fearlessness of battle:—[1]

"CHARLES R. "Oatlands, the 18th of Nov., 1642.

"To the answer of both Houses of Parliament to his Majesty's message of the 12th of November, his Majesty makes this reply:—That his message of the 12th, though not received by them till the 14th, was sent to them first upon the same day upon which it was dated, and meeting with stops by the way was again sent upon the 13th, and taken up on that day at ten in the morning by the Earl of Essex, and, though not unto him directed, was by him opened; so the slowness of the delivery is not so strange as the stop of the letter said to be sent by Sir Peter Killigrew, which his Majesty hath not yet received, but concludes, from the matter expressed to have been contained in that letter (to wit, to know his pleasure whether he intended the forbearance of hostility), and by the command of such forbearance said to be sent to the Lord of Essex's army, that no such forbearance was already concluded; and, consequently, neither had his Majesty cause to suppose that he should take any of their forces unprovided and secure in expectation of a fair treaty, neither could any hostile act of his Majesty's forces have been a course unsuitable to his expressions; much less could an endeavour to prepossess (for so he hoped he might have done) that place, which might have stopped the further march of those forces towards him (which, for aught appeared to him, might as well have been intended to Colebrook as to

[1] Lord Clarendon describes this declaration, as prepared by Lord Falkland, as one expressive of the King's desire of peace, and as offering some explanation of the grounds of his advancing to Brentford; and though he speaks of it as being published at *Oxford*, as no declaration answering to this description is to be found in the journals published at Oxford, it is probable that Lord Clarendon has misdescribed the place from which it was issued.

Brainford), and by that the further effusion of blood, deserve that style. His Majesty further conceives that the printing so out of time of such a declaration as the reply to his answer to theirs of the 26th May, but the day before they voted the delivery of their petition and the march of the Earl of Essex's forces to Brainford, so near to his Majesty, when the Committee at the same time attended him with a petition for a treaty, the Earl of Essex being before possessed of all the other avenues to his army, by his forces at Windsor, Acton, and Kingston, was a more strange introduction to peace than for his Majesty not to suffer himself to be cooped up on all sides, because a treaty had been mentioned, which was so really and so much desired by his Majesty, that this proceeding seems to him purposely by some intending to divert (which it could not do) that his inclination.

"That his Majesty had no intention to master the City by so advancing, besides his profession, which (how meanly soever they seem to value it) he conceives a sufficient argument (especially being only opposed by suspicions and surmises), may appear by his not pursuing his victory at Brainford, but giving orders to his army to march away to Kingston as soon as he heard that place was quitted, before any notice or appearance of further forces from London; nor could he find a better way to satisfy them beforehand that he had no such intention, but that his desire of peace and of propositions that might conduce to it still continued, than by that message of the 12th; for which care of his he was requited by such a reception of his message and messenger as was contrary at once both to duty, civility, and the very custom and law of war and nations, and such as theirs (though after this provocation) hath not found from him.

"His Majesty wonders that his soldiers should be charged with thirsting after blood, who took above five hundred prisoners in the very heat of the fight, his Majesty having since dismissed

all the common soldiers, and entertained such as were willing to serve him, and required only from the rest an oath not to serve against him.

"And his Majesty supposes such most apt and likely to maintain their power by blood and rapine, who have only got it by oppression and injustice. That his is vested in him by the law; and by that only (if the destructive counsels of others would not hinder such a peace, in which that might once again be the universal rule, and in which religion and justice can only flourish) he desires to maintain it; and if peace were equally desired by them as it is by his Majesty, he conceives it would have been proper to have sent him such a paper as should have contained just propositions of peace, and not an unjust accusation of his councils, proceedings, and person. And his Majesty intends to march to such a distance from his city of London as may take away all pretence of apprehension from his army that might hinder them in all security from yet preparing them to present to him; and there will be ready either to receive them, or to end the pressures and miseries which his subjects (to his great grief) suffer through this war by a present battle."[1]

Other declarations and replies followed between the King and the Parliament, but the unfortunate conflict at Brentford and its consequences had shaken confidence, and given fresh cause for dispute, and peace was no nearer at hand.

The King took up his winter quarters at Oxford. Marlborough was captured by the King's forces under Wilmot in the month of December, and a few days later the Parliamentary troops gained an advantage over a small force under the command of Lord Grandison near Winchester.[2]

[1] Lords' Journals, vol. v. p. 451. [2] Hist. Reb. vol. iii. pp. 340-3.

The King now took every means to strengthen his position. A long letter, explanatory of his present condition and in justification of his conduct, was addressed to the Privy Council of Scotland, to counteract the effect of the declaration addressed by the Parliament to that kingdom. Money was raised for the payment of the troops: and those who had attached themselves to the King's cause showed their loyalty by large contributions of money and plate. The Parliament was no less active, nor were there wanting instances as striking on their side of disinterested devotion to the cause they had espoused. Hostilities and negotiations were carried on, but neither victory was gained nor peace concluded. Indeed, the history of this period is so strange a mixture of legal discussion and military tactics, that it can hardly be understood or fairly judged without as careful a perusal of the journals of Parliament as of the details of military operations.

The life of a Secretary of State must always be closely interwoven with the history of his times, but the scanty materials from which are to be drawn any further details respecting Lord Falkland belong rather to personal than to historical narrative. During the residence of the Court at Oxford this winter, an incident occurred which shows that, however little personal attachment subsisted between the King and Lord Falkland, they were at least on terms of some familiarity.[1] The King had been speaking to Lord Falkland in terms of kindness of Mr. Hyde; and, remarking on the

[1] Clarendon, 'Life,' vol. i. p. 136.

great peculiarity of his style of writing, he said that "he should know anything written by him, if it were "brought to him by a stranger amongst a multitude "of writings by other men."[1] Lord Falkland expressed his doubt as to his Majesty being able to do so, adding that "he himself, who had so long conversation and "friendship with him, was often deceived, and often "met with things written by him of which he could "never have suspected him upon the variety of argu-"ments." The King replied, he "would lay him an "angel, that, let the argument be what it would, he "should never bring him a sheet of paper (for he "would not undertake to judge of less) of his writing, "but he would discover it to be his."

Lord Falkland accepted the wager, and neither he nor the King mentioned it to Mr. Hyde Shortly afterwards Lord Falkland brought several unopened letters, together with the diurnals and speeches which were daily printed in London and sent to Oxford. Two speeches attracted the King's attention, the one by Lord Pembroke in favour of an accommodation, and the other by Lord Brooke against it. He remarked that he did not think Pembroke could have spoken at such length; "though," added he, "every word was "so much his own that nobody else could make it." Lord Falkland whispered in his ear, there being other

[1] The King appears to have been critical as to style, and, to judge by his observations on Lord Falkland's manner of writing, he was not always well pleased at his own being altered: "For," said he, "my Lord "Carleton ever brought me my own sense in my own words; but my Lord "Falkland most commonly brought me my instructions in so fine a dress "that I did not always own them."—*Mem. of Sir Ph. Warwick*, p. 72.

persons in the room, and claimed an angel; "which," says Lord Clarendon, "his Majesty in the instant "apprehended, blushed, and put his hand in his pocket, "and gave him an angel, saying, he had never paid "a wager more willingly, and was very merry upon "it." [1]

[1] Life, vol. i. p. 137.—It seems that Mr. Hyde not unfrequently amused himself by thus counterfeiting the style of others, and affixing their names to speeches never made by them.

CHAPTER VII.

Story of Lord Falkland and the Sortes Virgilianæ — Its probable origin — Lord Falkland advises the appointment of Mr. Hyde as Chancellor of the Exchequer — Lord Falkland's change of deameanour and anxiety for Peace — Negotiations for Peace at Oxford — Broken off by the King — Lord Falkland's advice to the King on the Petition of the Scotch Commissioners against Episcopacy — The War is renewed — Successes of the Royalists — Lord Falkland accompanies the King to Bristol.

As the term of Lord Falkland's residence at Oxford is drawing to a close, it may not be improper here to mention a story related by Dr. Welwood: "The "Lord Falkland," says he, "to divert the King, "would have his Majesty make a trial of his fortune "by the Sortes Virgilianæ, which, everybody knows, "was an usual kind of augury some ages past. Where- "upon, the King opening the book, the period which "happened to come up was that part of Dido's im- "precation against Æneas which Mr. Dryden trans- "lates thus:—

"'Yet let a race untamed, and haughty foes,
His peaceful entrance with dire arms oppose;
Oppress'd with numbers in th' unequal field,
His men discouraged, and himself expell'd,
Let him for succour sue from place to place,
Torn from his subjects, and his son's embrace.

First let him see his friends in battle slain,
And their untimely fate lament in vain;
And when at length the cruel war shall cease,
On hard conditions may he buy his peace;
Nor let him then enjoy supreme command,
But fall untimely by some hostile hand,
And lie unburied on the barren sand.' [1]

"It is said King Charles seemed concerned at this "accident, and that the Lord Falkland, observing it, "would likewise try his own fortune in the same man- "ner, hoping he might fall upon some passage that could "have no relation to his case, and thereby divert the "King's thoughts from any impression the other might "have upon him; but the place that Falkland stumbled "upon was yet more suited to his destiny than the other "had been to the King's; being the following expres- "sions of Evander upon the untimely death of his son "Pallas, as they are translated by the same hand:—

"'O Pallas! thou hast fail'd thy plighted word,
To fight with caution, not to tempt the sword:
I warn'd thee, but in vain; for well I knew
What perils youthful ardour would pursue;
That boiling blood would carry thee too far,
Young as thou wert in dangers, raw to war!
O curst essay of arms, disastrous doom,
Prelude of bloody fields and fights to come!'" [2]

This anecdote has been repeated by different writers, but on the sole authority of Dr. Welwood. It should, however, be observed that not only is the double coin-

[1] See Æn. iv. 615-620—"At bello audacis populi," &c.

[2] Ibid., xi. 152-157—"Non hæc, o Palla," &c. See Welwood's Memoirs (ed. 1718), p. 90.

cidence so remarkable as to pass the limits of credibility, but that the circumstance is not mentioned by any contemporary authority, or alluded to in any work previous to that of Dr. Welwood,[1] a Scotch physician, who wrote fifty-six years after the death of Lord Falkland. It is in the highest degree improbable that Lord Clarendon, so tenderly minute in all that concerned Lord Falkland, should have omitted, both in his history and in his own life, to mention such a striking and pathetic coincidence had it really occurred.

The story may, perhaps, have originated in the following occurrence, mentioned by Aubrey in his MS. on the Remains of Gentilism.[2] He says that in December, 1648, when King Charles I. was prisoner at Carisbrook, or to be brought to London to his trial, the Prince of Wales was at Paris, and received a visit from Mr. Abraham Cowley. The Prince asked him to play at cards with him, "to divert his sad thoughts." "Mr. "Cowley replied, 'He did not care to play at cards, but, "if his Highness pleased, they would use Sortes Vir- "gilianæ.' Mr. Cowley had always a Virgil in his "pocket. The Prince liked the prōposal, and pricked "a pin in the fourth book of the Æneid.[3] The Prince "understood not Latin well, and desired Mr. Cowley

[1] Dr. James Welwood was born near Edinburgh in 1652, and died in 1716. He wrote 'Memoirs of the most material Transactions in England for the last Hundred Years preceding the Revolution in 1688' at the suggestion of Queen Mary, who complained to him of the insuperable difficulties under which she lay of knowing truly the history of her grandfather's reign, saying that "most of the accounts she had read of it were either "panegyric or satire, not history."

[2] See Appendix O.

[3] "At bello audacis populi," &c.

"to translate the verses, which he did admirably "well."[1]

Whether Aubrey's anecdote is correct or no it may not be very easy to determine; but a letter[2] from Cowley himself to Mr. Bennet[3] is so far confirmatory of its truth, that, in speaking of the Scotch treaty then in agitation, he says, "I cannot abstain from believing "that an agreement will be made . . . . the mutual "necessity of an accord is visible; the King is per- "suaded of it. And, to tell you the truth (which I "take to be an argument above all the rest), *Virgil has* "*told the same thing to that purpose.*" Johnson says, "I cannot but suspect Cowley of having consulted on "this great occasion the Virgilian lots, and to have "given some credit to the answer of his oracle."[4] If this be the real foundation of Dr. Welwood's story of the Sortes Virgilianæ, it is clear that Lord Falkland could have had no part in it; and the verses that were applicable to his fate were ingeniously supplied after his death by some one who was struck with their applicability.[5]

Towards the end of December in this year Lord Falkland had the opportunity of evincing to Mr. Hyde the value he set upon his service to the King, by being "more solicitous to have him of the Council than he "was himself for the honour."[6] The King had offered Mr. Hyde to make him Secretary of State in place

[1] Brand's 'Popular Antiquities,' edited by Sir H. Ellis, vol. iii. p. 177.
[2] Quoted in Johnson's 'Life of Cowley.'
[3] Afterwards Earl of Arlington.
[4] Life of Cowley.
[5] See Appendix P.
[6] Clarendon, 'Life,' vol. i. p. 142.

of Sir Edward Nicholas, but for various reasons he thought fit to decline the offer.

The death of Sir Charles Cæsar shortly afterwards caused a vacancy in the office of Master of the Rolls; Sir John Culpepper had been promised the reversion of this appointment. Lord Falkland immediately suggested to the King that he would now have a good opportunity for preferring Mr. Hyde, by making him Chancellor of the Exchequer in place of Sir John Culpepper. The King was well disposed to do so, but enjoined Lord Falkland to silence till he had himself made the offer. Mr. Hyde accepted, to the great dissatisfaction of Sir John Culpepper, who was so long in surrendering his patent of Chancellor of the Exchequer after that for the Rolls was passed, that Lord Falkland and Lord Digby expostulated very warmly with him upon it, and drew the King's attention to the circumstance. Sir John Culpepper then relinquished his office, and the following day Mr. Hyde succeeded to it, being sworn of the Privy Council and knighted.[1] Nor was this the only instance mentioned by Lord Clarendon of Lord Falkland's interference on his behalf, when he was dissatisfied with the conduct of others towards him.[2] A few months later (in July), when the King went to Bristol, accompanied by some of his Council, Sir Edward Hyde, now Chancellor of the Exchequer, found that the trade

[1] Sir J. Culpepper made Master of the Rolls, 30th January, 1642-3.—*Vide* Dugdale's 'Origines,' p. 111, from whence it has been copied into Beatson's 'Political Index.' There is no entry in the Council Register of Edward Hyde being sworn a Privy Councillor. The entries there become extremely irregular after Charles retired to York.

[2] Clarendon, 'Life,' vol. i. p. 162.

of that port was likely to yield good profit to the King, if well managed; but on sending for the officers of the Customs to obtain further information, he found that an arrangement had been made, with the advice and assistance of Sir John Culpepper, by which the King assigned to Mr. Ashburnham this part of the duty of the Chancellor of the Exchequer's office. Sir Edward Hyde was mortified and offended at such interference with his duty, and, to use his own words, "he took it "very heavily, and the Lord Falkland, out of his friend-"ship to him, more tenderly, and expostulated it with "the King with some warmth, and more passionately "with Sir John Culpepper and Mr. Ashburnham, as a "violation of the friendship they professed to the Chan-"cellor, and an invasion of his office,[1] which no man "bears easily." Excuses and explanations ensued, with which the Chancellor of the Exchequer was satisfied, and thus the affair ended.[2]

The King remained for many months at Oxford, and it was during the residence there with the Court and

[1] A work published by the late Earl of Ashburnham, entitled 'Ashburnham's Narrative,' contains "a vindication of his character and conduct from "the misrepresentations of Lord Clarendon." In this vindication there is a most minute and elaborate defence of Mr. Ashburnham on this subject (vol. i. pp. 15-29). The spirit in which this portion of the vindication is written, and the terms in which it is couched, are not calculated to produce conviction in the mind of an impartial reader.

[2] Lord Clarendon thus winds up his account of this difference:—"If "there remained after this any jealousy or coldness between the Chancellor "of the Exchequer and the other two, as the disparity between their "natures and humours made some believe there did, it never brake out or "appeared to the disturbance or prejudice of the King's service, but all "possible concurrence in the carrying it on was observed between them."—*Life of Lord Clarendon*, vol. i. p. 164.

Council, that Lord Clarendon noted the visible change that public events had wrought on Lord Falkland's spirits and habits, and which he thus describes:[1] "From "the entrance into this unnatural war, his natural cheer- "fulness and vivacity grew clouded, and a kind of sadness "and dejection of spirit stole upon him, which he had "never been used to." He had at first entertained the hope that one decided battle would be followed by a peaceful adjustment of differences. "But after the "King's return from Brentford, and the furious resolu- "tion of the two Houses not to admit any treaty for "peace, those indispositions, which had before touched "him, grew into a perfect habit of uncheerfulness; and "he, who had been so exactly easy and affable to all "men, that his face and countenance was always present "and vacant to his company, and held any cloudiness "and less pleasantness of the visage a kind of rude- "ness or incivility, became on a sudden less communi- "cable, and thence very sad, pale, and exceedingly "affected with the spleen. In his clothes and habit, "which he had minded before always with more neat- "ness, and industry, and expense than is usual to so great "a soul, he was not now only incurious, but too negli- "gent; and in his reception of suitors, and the necessary "or casual addresses to his place, so quick, and sharp, "and severe, that there wanted not some men (strangers "to his nature and disposition) who believed him proud "and imperious, from which no mortal man was "ever more free." . . . . . "When there was any "overture or hope of peace, he would be more erect

[1] Clarendon's 'Hist. of the Rebellion,' vol. iv. pp. 254-5.

"and vigorous, and exceedingly solicitous to press any-
"thing which he thought might promote it; and sitting
"among his friends, often, after a deep silence and
"frequent sighs, would, with a shrill and sad accent,
"ingeminate the word *Peace, Peace;* and would pas-
"sionately profess that the very agony of the war, and
"the view of the calamities and desolation the kingdom
"did and must endure, took his sleep from him, and
"would shortly break his heart."

It must have been a welcome task to Lord Falkland, when, on the 28th of January (1642-3), it fell to his lot as Secretary of State to enclose to the Earl of Manchester[1] the King's safe-conduct to the Earl of Northumberland and others,[2] who were appointed to present some propositions from Parliament. The propositions were met by others on the part of the King; but no agreement was come to, and the Commissioners returned to London. Again, on the 3rd of March, 1642-3, a despatch was sent by Lord Falkland to the Earl of Manchester, enclosing a safe-conduct to Oxford to the Earl of Northumberland and the other Commissioners[3] to treat for peace; but no better result ensued from this second meeting. In the account of the failure of these negotiations, and the neglect of certain advantages laid open to the King by confidential communications of the Commis-

[1] Speaker of the House of Peers *pro tempore.*

[2] Philip Earl of Pembroke and Montgomery, and William Earl of Salisbury.

[3] Earls of Pembroke, Salisbury, and Holland. For the Commons: Lords Wennam and Dungarvon, Sir John Holland, Sir William Litton, Hon. William Pierpoint; Bulstrode Whitelock, Edmund Waller, and Richard Winwood, Esqrs.

sioners to Lord Falkland and Sir Edward Hyde, Lord Clarendon has exhibited to the world a curious picture of the powerful effects of personal influence[1]—that mere personal influence, unsupported by any claims to superiority in ability, judgment, or experience, which, once established, maintains its hold over its object, against the dictates of reason or the whispers of conscience. The Queen had obtained from the King a solemn promise on parting, "that he would never make "any peace but by her interposition and mediation, "that the kingdom might receive that blessing from "her;" and it was "this promise which was the cause "of his Majesty's rejection or not entertaining this last "overture."[2] The Queen's views were in no degree altered when she landed in the North, on the 22nd of February, 1642-3, with arms and ammunition.[3] "The "expectation of her arrival at Oxford," continues Lord Clarendon, "was the reason that the King so much "desired the prolongation of the treaty."[4] It had doubtless been the consciousness of this promise that had contributed to render him so reluctant to consent to those messages of peace which his ministers had insisted on bearing to Parliament before the war had actually commenced, for though the obligations of a promise weighed but lightly in the balance with Charles when their observance interfered with some new motive of

[1] Clarendon, 'Life,' vol. i. p. 149.

[2] The King, says Lord Clarendon, "saw with her eyes and determined "by her judgment; and did not only pay her this adoration, but desired "that all men should know that he was swayed by her, which was not "good for either of them."—Ibid., p. 155.

[3] Ibid., p. 157. [4] Ibid.

action, yet the influence of the Queen invested a promise made to her with all its sacred character of inviolability, and she only could release him from those engagements to which by her he had been bound. It cannot be doubted, from the concurrent testimony of Clarendon[1] and of Whitelock,[2] that the Commissioners were sincerely anxious for peace; it is equally clear, from the same testimony, that Lord Falkland, the Chancellor of the Exchequer, and others of the King's Council, were most desirous of peace—yet peace there was not. Whitelock informs us that, when a new paper was presented by the King to the Commissioners, contrary to the purpose of that which had been agreed to the night before, they (the Commissioners) pressed him upon his royal word and the ill consequences that would follow upon this his *new paper*. They could obtain no other reply than "that he had altered his mind, and that this "paper which he now gave them was his answer."

During these negotiations the Commissioners appear to have been on terms of confidence with some of the King's own friends, and of them they now made inquiries as to the meaning of this "*new paper*," and from them they learnt that, "after they were gone from the King, "and that his Council were also gone away, some "of his bedchamber (*and they went higher*),[3] hear- "ing from him what answer he had promised, and "doubting that it would tend to such an issue of the "treaty as they did not wish, they being rather for the

[1] Life, vol. i. pp. 149-55. [2] Memorials, p. 65.

[3] This must allude to the Queen's persuasions by letter, or to the advice of the Princes Rupert and Maurice.

"continuance of the war, they never left pressing and "persuading of the King, till they prevailed with him "to change his former resolutions."[1] The King adopted this advice; the message was sent; the Commissioners were recalled; and, to use the words of plain and honest regret in which Whitelock sums up the result of their negotiations, "the treaty, having continued from "the 4th of March to the 15th of April, was now dis-"solved, and all their labours and hazards become "fruitless and of no effect; and all good Englishmen, "lovers of the peace of their country, were troubled "and disappointed."[2] The King's conduct upon this and other occasions, whether proceeding from vacillation of purpose or the evil influence of unwise counsel, must have been trying to the temper and chilling to the affection of those who evinced their loyalty by devotion to his cause; and that such was the effect on Lord Falkland is best shown in the words of Lord Clarendon. "Albeit he had the greatest compliance with the weak-"ness, and even the humour, of other men, when there "could be no suspicion of flattery, and the greatest "address to inform and reform them, yet towards the "King, who many times obstinately adhered to many "conclusions which did not naturally result from good "premises, and did love to argue many things to which he "would not so positively adhere, he did not practise that "condescension, but contradicted him with more blunt-"ness and by sharp sentences, and in some particulars (as "of the Church) to which the King was in conscience "most devoted; and of this his Majesty often complained,

[1] Whitelock's 'Memorials,' p. 65. [2] Ibid.

" and cared less to confer with him in private, and was " less persuaded by him than his affairs and the other's " great parts and wisdom would have required ; though " he had not a better opinion of any man's sincerity or " fidelity towards him."[1]

An instance that well illustrates this state of feeling between the King and his Secretary of State is recounted by Lord Clarendon[2] on the occasion of the Scotch Commissioners' visit to Oxford. They presented to the King a long paper, inveighing against Bishops and the whole government of the Church, and concluding with a petition for the alteration of that government throughout his Majesty's dominions. The King brought this paper to the Council Board, and required the advice of the Council, declaring at the same time his own wish to answer every expression contained in the paper, and to maintain the divine right of episcopacy and the impossibility of his ever in conscience consenting to anything to the prejudice of that order.[3] Many of the Lords were of opinion that a short answer, simply rejecting the proposition, would be best. No one concurred with the King, and " he replied with " some sharpness upon what had been said." Lord Falkland then expressed his opinion, and wished no reasons to be given in the answer; " and upon that occasion " answered many of those reasons the King had urged, " as not valid to support the subject, with a little " quickness of wit (as his notions were always sharp, " and expressed with notable vivacity), which made the

[1] Clarendon, ' Life,' vol. i. p. 92. [2] Ibid., p. 158.
[3] Ibid, p. 159.

"King warmer than he used to be, reproaching all who "were of that mind with want of affection for the "Church, and declaring that he would have the sub- "stance of what he had said, or of the like nature, "digested into his answer; with which reprehension "all sat very silent, having never undergone the like "before."

Sir Edward Hyde was called upon for his opinion, and, with considerable dexterity, he succeeded in not only preventing the King from entering into a long discussion of theology and Church government, by way of answer to the Scotch Commissioners, but, by grounding his objection to that course on its being too great a condescension on the part of the King, his dignity was flattered, and he was so well pleased with the Chancellor of the Exchequer, that he not only gave up his own opinion, but "vouchsafed to make some kind of "excuse for the passion he had spoken with."[1] A few weeks after all hopes of a treaty were extinguished, a conspiracy in favour of the King was discovered, well known by the name of "Waller's Plot." How far the King or his Council were cognizant of the intentions of Waller and his friends it is not very easy to discover. Whitelock attributes the King's gracious reception of Mr. Waller at Oxford to his knowledge of the plan in which he was engaged;[2] whilst Lord Clarendon repudiates the idea of the King or his ministers being parties to the plan, which he regarded as impracticable. Edmund Waller had been one of Lord Falkland's early

[1] Clarendon, 'Life,' vol. i. p. 161. [2] Whitelock, p. 64.

friends; but, as it appears he was too cautious to commit himself in writing, no correspondence took place on this subject between them. Mr. Tomkins (Waller's brother-in-law) had, sometimes by writing and sometimes by messages, signified to Lord Falkland "that the number of "those who desired peace, and abhorred the proceedings "of the Houses, was very considerable; and that they "resolved, by refusing to contribute to the war and "to submit to their ordinances, to declare and manifest "themselves in that manner that the violent party in "the City should not have credit enough to hinder any "accommodation."[1] Lord Falkland always returned for answer, "that they must expedite those expedients "as soon as might be, for that delays made the war "more difficult to be restrained."

Lord Clarendon declares he could find no evidence or reason to believe in the King's countenance of the plot itself, or of its various objects; though, as he candidly remarks, he should have no reason to conceal the King giving his assistance and countenance to any design that, by public force or private contrivance, should have given him a reasonable hope of dispersing those who, under the name of a Parliament, had kindled a war against him.[2]

The war was now prosecuted with activity on both sides. The Queen, who had landed at Burlington on the 22nd of February, proceeded to York, from thence to Pomfret, and to Newark, where she rested a fortnight, and on the 13th of July she joined her husband

[1] Hist. of the Rebellion, vol. iv. p. 76. [2] Ibid., p. 77.

near Keinton, under Edgehill, where the battle had been fought in October. On that same day the royalist troops gained a signal victory at Roundway Down, when the troops commanded by Sir William Waller were completely routed. On the 26th of July Bristol surrendered to Prince Rupert.

This triumph was embittered to the King by the disputes that arose between the Princes Rupert and Maurice and the Marquis of Hertford. He determined, in consequence, to proceed immediately to Bristol, not only to settle, if possible, these differences, but to avoid the presence of his Council on the occasion. Whilst affection for his nephews blinded Charles to their faults, the haughty rudeness with which these young Princes treated the English nobility rendered them peculiarly clearsighted to their failings: thus, to escape from any advice that could be tendered to him on the subject, he at once left Oxford for Bristol, taking with him of his Council only Lord Falkland, the Master of the Rolls (Sir J. Culpepper), the Chancellor of the Exchequer (Sir Edward Hyde), and the Duke of Richmond. The King passed the night at Malmesbury, whilst Sir Edward Hyde received Lord Falkland and Sir John Culpepper at his own house at Perton.

Once more these three faithful counsellors, who had laboured at the helm and had striven so ably against the storms without and mutiny within, who had firmly stood against every attack, and fought without flinching even in defeat, found themselves apart from the Court together under the same roof; and, as in those early conferences in Westminster, Lord Falkland and Sir John Cul-

pepper were the guests of Mr. (now Sir Edward) Hyde.

Seventeen months had elapsed since that time. How many hopes had been defeated—how many fears had been realized—what a volume of history had been enacted during that short period! and this must have been the last such meeting of a triumvirate that had been so firmly linked together by the ties of personal affection and the duties of a common charge. Fortune now seemed to decide in favour of the King; he had been victorious over Lord Fairfax in the North, over Sir William Waller in the West; Bristol had surrendered to his forces. A declaration was put forth by the King, professing firm attachment to the Protestant religion, and his determination to maintain the liberty of the subject, the laws of the land, and the privileges of Parliament, and exhorting his people to peace.

CHAPTER VIII.

Siege of Gloucester — Lord Falkland visits the Trenches — Battle of Newbury — Lord Falkland is killed by a Musket-shot — Character of Lord Falkland — He was known as a Poet and Theologian — His Mother attempted to convert him to the Church of Rome — His Religious Opinions — His married Life — His personal Appearance and bodily Endowments — His Literary Tastes — His Official Qualifications — His Parliamentary Speeches — Opinions of Contemporaries respecting him — Place of his Burial — His Children.

ON the 5th of August, 1643, propositions for peace were made by the House of Lords to the Commons in a conference.[1] The Commons were little inclined to listen to these propositions, and, on a petition of the Common Council of London against peace, the Commons determined to reject the Lords' propositions.

The differences that had arisen between the Princes and the Earl of Hertford were adjusted, though not healed, by the King; and the time thus occupied had occasioned some delay in following up the advantages obtained by the success against Bristol. The question now arose in what service the army should be next engaged. On this point there was great division of opinion; at length the decision was made in favour of laying siege to Gloucester. The enterprise was unsuccessful in itself, and disastrous in its consequences to the King's position. The failure was attributed by those

[1] Parl. Hist., vol. iii. p. 156.

who were in favour of the attempt to the manner in which their advice had been acted upon;[1] whilst by those who had objected to this course the evil consequences were looked upon as the natural fruits of an ill-advised plan. On the 10th of August the King ranged his army on the top of a hill within two miles of Gloucester, and on that day summoned the city to surrender. The summons was not obeyed, and preparations for the siege were instantly commenced.[2]

Lord Falkland had accompanied the King to Gloucester, and was now active in "visiting the trenches and "nearest approaches to discover what the enemy did."[3] It was on this occasion that his too reckless disregard of personal danger drew from Sir Edward Hyde an affectionate remonstrance against his thus exposing himself to risks which formed no part of the duty of his office, "but," as he added, "might be understood rather "to be against it." Lord Clarendon tells us that to this Lord Falkland merrily replied that his "office "could not take away the privilege of his age; and "that a Secretary in war might be present at the "greatest secret of danger."[4]

The Earl of Essex assembled his forces at Hounslow Heath on the 22nd of August, and marched from thence

[1] Sir J. Culpepper strongly urged the necessity of getting possession of Gloucester. It does not appear what were the opinions of Lord Falkland or of Sir Edward Hyde.

[2] Clarendon's 'Hist. of the Rebellion,' vol. iv. p. 179.

[3] Clarendon, 'Life,' vol. i. p. 165; Hist. of the Rebellion, vol. iv. p. 256.

[4] There is here a play upon the words *secret* and *Secretary*; the allusion being to the discovery of the enemy's hidden intentions.

to the relief of Gloucester. He had to traverse a country already eaten bare, and defended by half the King's body of horse; but he succeeded in his undertaking. On the 5th of September the siege of Gloucester was raised, and the King's army retired to Esham. The Earl of Essex marched to Tewkesbury, seized upon Cirencester, then directed his march through North Wilts on his way back to London; Prince Rupert pursued his track, and a skirmish took place at Awborn-Chase near Hungerford. The following day, the 17th of September, the Earl of Essex advanced to Newbury, but found the King had been established there two hours before his arrival. This was a decided advantage to the King, and appeared to give him the option of the time when he would risk the next engagement. It was determined on the night of their arrival at Newbury not to engage without an almost certainty of victory. Lord Essex had drawn out his army and disposed his troops with admirable skill upon a height[1] within less than a mile from the town. Lord Clarendon attributes the commencement of the battle to the "precipitate "courage of some young officers" who were intrusted with important commands in the King's army, and who, undervaluing the courage of their opponents, frustrated the deliberate intentions of the preceding evening by attacking the enemy. Strong parties were successively engaged, and a general battle became inevitable. Lord Falkland had accompanied the King in his march from Gloucester to Newbury. Sir Edward Hyde, who had

[1] Bigg's Hill.—*Vide* Clarendon's 'Hist. of the Rebellion,' vol. iv. p. 235.

been detained on business at Bristol after the King's departure, visited the Court for a short time during the siege before Gloucester, and then returned to Oxford, from whence he seems to have again remonstrated with Lord Falkland by letter on his constant exposure to uncalled-for risks. He represented to him that "he "suffered in his reputation with all discreet men by engag- "ing himself unnecessarily in all places of danger, and "that it was not the office of a Privy Councillor and a Se- "cretary of State to visit the trenches as he usually did, "and conjured him, out of the conscience of his duty to "the King, and to free his friends from those continual "uneasy apprehensions, not to engage his person to "those dangers which were not incumbent to him." Lord Falkland's answer to him was "That the trenches "were now at an end; there would be no more danger "there: that his case was different from other men's; "that he was so much taken notice of for an impatient "desire of peace, that it was necessary that he should "likewise make it appear that it was not out of fear of "the utmost hazard of war: he said some melancholic "things of the time; and concluded that in few days "they should come to a battle, the issue whereof, he "hoped, would put an end to the misery of the king- "dom."[1]

The battle came;—the issue did little towards bringing about any decisive result to either party. It is said that on the morning of the battle Lord Falkland was very cheerful, and, seeking as usual the post where there was likely to be the hottest service, he put himself into

[1] Clarendon, 'Life,' vol. i. p. 165.

the head of Sir John Byron's regiment.[1] He was ordered to charge a body of foot; the hedges on both sides were lined with the enemy's musketeers; as he advanced a musket-shot struck him in the lower part of the stomach—the wound was mortal, and he dropped dead from his horse.

"Thus fell that incomparable young man, in the "four-and-thirtieth year of his age, having so much "despatched the true business of life, that the eldest "rarely attain to that immense knowledge, and the "youngest enter not into the world with more inno-"cency; whosoever leads such a life needs be the less "anxious upon how short warning it is taken from him."[2]

The body was not found till the next morning; and on the day the news of Lord Falkland's death reached Oxford Sir Edward Hyde received the reply to that letter which he had addressed to him at Gloucester.[3] The messenger had been employed on other service, which had delayed the delivery of this answer, and when it reached its destination it came as a voice from the grave. For many days Sir Edward Hyde was so absorbed in grief for the loss of his "dear friend," that he was utterly incapable of composing his mind sufficiently to attend to any business; and his touching lamentations at being thus suddenly deprived of the "joy and comfort of his life"[4] cannot fail to move the heart of every reader. For thirteen years there had subsisted between these two distinguished men a most "entire

[1] Clarendon, 'Life,' vol. i. p. 164.
[2] Hist. of the Rebellion, vol. iv. p. 257. [3] Life, vol. i. p. 165.
[4] Ibid., p. 164.

friendship," and when, after the lapse of twenty-six years, Lord Clarendon records the death of Lord Falkland,—when, after twenty-six years filled with every vicissitude that can befal a state or attend the fortunes of an individual, he turns to the recollection of those earlier days, and dwells with affectionate admiration on the virtues of his friend,—he felt that neither time, nor all its burthen of events, could efface the "love and grief" with which he cherished his memory, nor quench the emotion to which the thoughts of him gave rise.[1]

A story is told by Whitelock of Lord Falkland having "called for a clean shirt on the morning of the battle; and, on being asked the reason for it, answered "that if he were slain he should not be found in foul "linen;" and also of "his being dissuaded by his "friends to go into the fight, as having no call for it, "being no military man: he said he was weary of the "times, and foresaw much misery to his own country, "and did believe he should be out of it ere night."[2]

This anecdote, related by Whitelock, and adopted by subsequent writers, is not mentioned by any other contemporaneous authority. It has, however, furnished a subject for comment, and inferences have been drawn, or implied, from the words thus reported to have been uttered by Lord Falkland on the morning of the battle. The question of his wearing-apparel, and the allusion to

[1] In the will made by Sir Edward Hyde at Jersey, 1647, he leaves this direction respecting his children:—"My sons may be seasonably instructed "to all respect and kindness towards the children of my dear lord, the "Lord Falkland, with whom I had a most perfect and blameless friend-"ship."—State Papers, vol. ii. p. 361.

[2] Whitelock's 'Memorials,' p. 70.

his being "out of it" before night, are treated as deliberate preparations for the death he intended to seek. Admitting even the words to be correct as stated by Whitelock, the value of such expressions must in part have depended on the tone in which they were uttered and the persons to whom they were addressed. Whitelock was a leader of the opposite party; his testimony could therefore only be given upon hearsay evidence, and probably from no very direct channel; the remonstrance of his friends, and the melancholy presages of his death contained in his answer, seem just such variations of Lord Clarendon's account of what had passed by letter between them as would naturally take place in the transmission of the anecdote through different hands. Lord Clarendon says he "died as much of the time as "of the bullet;" and no doubt it was his too little value for life, as well as his constitutional indifference to danger, that drew from Lord Clarendon those tender warnings and remonstrances already alluded to. But Lord Clarendon, whose information was likely to be far more direct than Whitelock's, tells us that on the morning of the battle Lord Falkland was "very cheer-"ful:" the charge in which he was killed was not volunteered, but in obedience to the orders of his commanding officer, and the shot by which he fell was fired from the musket of a soldier concealed behind a hedge. There is certainly nothing in these circumstances to show that he courted death, though he was careless of danger: on the contrary, it is distinctly stated by Lord Clarendon that, at this very period, he was expecting a speedy termination of the conflict in favour of the

cause he espoused, and looking forward to the next battle as leading to the peace he so much desired.[1]

Lord Falkland was thirty-three years of age when he was killed, and in that time, says Lord Clarendon, "he "was very accomplished in all those parts of learning and "knowledge which most men labour to attain till they are "very old."[2] It will be well, therefore, to trace the various paths by which Lord Falkland may be said to have attained the celebrity which posterity has attached to his name.

He was well known in his time as a poet, and also as a religious controversialist; and in this double capacity he is celebrated by Suckling in

"A SESSION OF THE POETS.

"A Session was held the other day,
And Apollo himself was at it, they say;
The laurel that had been so long reserved
Was now to be given to him best deserved.

"Hales sat by himself, most gravely did smile
To see them about nothing keep such a coil;
Apollo had spied him, but, knowing his mind,
Pass'd by, and call'd Falkland, that sate just behind.

"But he was of late so gone with divinity,
That he had almost forgot his poetry;
Though, to say the truth, and Apollo did know it,
He might have been both his priest and his poet."

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[1] Life, vol. i. p. 165.—Lord Sunderland seems to have been equally sanguine as to the state of the King's affairs at this time. Four days only before the battle of Newbury, in which he was killed, he wrote to his wife that the King's affairs had never been in a more prosperous condition; "that setting down before Gloucester had prevented their finishing the "war this year, which nothing could keep us from doing if we had a month's "more time."—*Sidney Letters*, vol. ii. p. 671.

[2] Life, vol. i. p. 166.

The only poems that have been handed down to us of his writing are an 'Eclogue on the Death of Ben Jonson,'[1] 'Lines on the Death of Dr. Donne,' and 'Verses to Grotius.' Aubrey says "that Dr. Earle "would not allow Lord Falkland to be a good poet, "though a great wit; he writ not a smooth verse, but "a great deal of sense."[2] Of his theological writings there remain 'A Discourse on Episcopacy;' 'A Discourse on the Infallibility of the Church of Rome,' and 'A Reply to the Answer thereto;'[3] 'A Letter addressed to Mr. Walter Montague concerning his Change of Religion;' and also 'A Letter to Mr. F. M.,' anno 1636, printed at the end of Mr. Charles Gataker's 'Answer to Five Captious Questions,' propounded by a Factor for the Papacy.[4]

Lord Clarendon speaks with regret that the two discourses on the principal positions of the Church of Rome had not been published, they having, as he says, "that "sharpness of style and full weight of reason that the "Church is deprived of great jewels in the concealment "of them."[5] They were, however, published some few

[1] See Appendix R. and S.

[2] Aubrey's 'Lives of Eminent Men.'—"Dr. Earles was an excellent poet both in Latin, Greek, and English. He was very dear to the Lord Falkland, with whom he spent as much time as he could make his own; and as that Lord would impute the speedy progress he made in the Greek tongue to the information and assistance he had from Mr. Earles, so Mr. Earles would frequently profess that he had got more useful learning by his conversation at Tew than he had at Oxford."—*Life of Clarendon*, vol. i. p. 51.

[3] The Answer was written by G. Holland, a Cambridge scholar, and afterwards a Roman Catholic priest.

[4] These were collected together and published by Dr. Triplet, who had been chaplain to Lord Falkland, and dedicated by him to his son Lucius, third Viscount Falkland.

[5] Hist. of the Rebellion, vol. iv. p. 244.

years later, and Lord Clarendon thus alludes to the Discourse on the Infallibility of the Church of Rome :—

" It is not a trivial evidence of his learning, his wit, " and his candour, that may be found in that discourse " of his against the Infallibility of the Church of Rome,[1] " published since his death; and from a copy under his " own hand, though not prepared and digested by him " for the press, and to which he would have given some " castigations."[2] Lord Falkland was a decided member of the Church of England, but his toleration for the opinions of others who differed from him was no less remarkable than the fund of knowledge on which his own were based. Lord Clarendon tells us, " He had " read all the Greek and Latin fathers, all the most " allowed and authentic ecclesiastical writers, and all the " councils, with wonderful care and observation; for in " religion he thought too careful and too curious an " inquiry could not be made amongst those whose " purity was not questioned, and whose authority was " constantly and confidently urged by men who were " furthest from being of one mind amongst themselves, " and for the mutual support of their several opinions " in which they most contradicted each other; and in all " those controversies he had so dispassioned a considera- " tion, such a candour in his nature, and so profound a " charity in his conscience, that in those points in which he " was in his own judgment most clear he never thought " the worse or in any degree declined the familiarity of " those who were of another mind; which, without

[1] See Appendix Q.

[2] Clarendon, 'Life,' vol. i. p. 44.

" question, is an excellent temper for the propagation " and advancement of Christianity."[1]

Lord Falkland's attention had been peculiarly drawn to the consideration of the pretensions of the Church of Rome, not only by the deep interest which every reflecting man must take in the faith to which he subscribes, but by circumstances of a personal and domestic nature. " Many attempts were made upon him by the instiga- " tion of his mother (who was a lady of another persua- " sion in religion, and of a most masculine understand- " ing, allayed with the passion and infirmities of her " own sex) to pervert him in his piety to the Church " of England, and to reconcile him to that of Rome ;[2] " which they prosecuted with the more confidence " because he declined no opportunity or occasion of " conference with those of that religion, whether priests

[1] Life, vol. i. p. 43.

[2] In the Archbishop of Canterbury's (Laud) annual accounts of his province to the King there is the following account of Lady Falkland :—

" *St. Asaph.*—In the diocese of St. Asaph there is no complaint but the " usual, that there is a great resort of recusants to Holy Well, and that " this summer the Lady Falkland and her company came as pilgrims " thither, who were the more observed because they travelled on foot and " dissembled neither their quality nor their errand; and this boldness of " theirs is of very ill construction among your Majesty's people. My " humble suit to your Majesty is, that, whereas I complained of this in open " council in your Majesty's presence, you would now be graciously pleased " that the order then resolved on for her confinement may be put in " execution. { C. R. Itt is done. "

In a letter dated London, November 17, 1626, and addressed to the Rev. Joseph Mead, the following notice of Lady Falkland is to be found :— " The Lady Falkland is newly banished the Court for lately going to mass " with the Queen, in whose conversion the Roman Church will reap no " great credit because she was called home out of Ireland for her grievous " extortions."—*Life and Times of James I. and Charles I.*, vol. i. p. 170.

"or laics; having diligently studied the controversies, "and exactly read all or the choicest of the Greek and "Latin fathers, and having a memory so stupendous, "that he remembered on all occasions whatsoever he "read. And he was so great an enemy to that passion "and uncharitableness which he saw produced, by "difference of opinion, in matters of religion, that in "all those disputations with priests and others of the "Roman Church he affected to manifest all possible "civility to their persons and estimation of their parts; "which made them retain still some hope of his reduc-"tion, even when they had given over offering farther "reasons to him to that purpose. But this charity "towards them was much lessened, and any correspond-"ence with them quite declined, when by sinister arts "they had corrupted his two younger brothers,[1] being "both children, and stolen them from his house and trans "ported them beyond seas, and perverted his sisters."[2]

It was said[3] of Lord Falkland, even in his lifetime, but still more after his death, that he had adopted the religious opinions of Socinus, and had been strengthened in those opinions by Chillingworth. This impression seems however to have been without foundation, and may possibly have originated in Lord Clarendon's misapprehension of a passage in Cressy's book.[4] In Lord

[1] The Peerages incorrectly mention but one brother, Lorenzo, killed at the battle of Swords in Ireland, and one sister, Anne, married to Lord Hume.

[2] Hist. of the Rebellion, vol. iv. p. 243. See Appendix T.—They were said to be lodged in a convent at Cambray.

[3] Anthony Wood, 'Athenæ Oxon.'

[4] Entitled 'Fanaticism Fanatically Imputed to the Catholic Church by Mr. Stillingfleet.'

Clarendon's animadversions upon that work, he accused the author of speaking of Lord Falkland as a Socinian. Cressy explained in reply,[1] saying, the words concerned Mr. Chillingworth, and added, "Touching my Lord "Falkland, I was so far from entertaining a suspicion, "and much more from propagating this suspicion to "others, that I believe there are scarce three persons "besides myself that are so enabled to give a demon- "stration to the contrary, which was a solemn protesta- "tion made by himself to the greatest prelate of England "of his aversion from those blasphemous heresies which "had been laid to his charge." In further corroboration of the fact, that between Lord Falkland and Mr. Chillingworth there was no agreement in opinion on the subject of Socinianism, a letter exists from Lord Spencer to his wife, in which is to be found the following passage:— "It is not to be imagined with what diligence and "satisfaction (I mean to himself) Mr. Chillingworth "executes this command;[2] for my part, I think it not "unwisely done of him to change his profession, and I "think you would have been of my mind if you had "heard him dispute last night with my Lord Falkland "in favour of Socinianism; wherein he was by his "lordship so often confounded, that really it appears he "has much more reason for his engine than for his "opinion."

The early attention paid by Lord Falkland to his religious duties is thus commented upon by one who

[1] In his 'Epistle Apologetical.'

[2] Mr. Chillingworth was engaged in the trenches before Gloucester to try the effects of certain machines he had invented for the attack of fortifications.—*Sidney Papers*, vol. ii. p. 669.

was intimately acquainted with his character and habits in private :[1]—"His religion was the more eminent, "because the more early, at that age when young gallants "think least of it. When they, young candidates of "Atheisme, begin to dispute themselves out of a beleefe "of the Deity, urging hard against that which indeed is "best for them that it should never be—'*a judgment to* "*come*;' then, I say, that salvation which these mention "with a scoff or a jeere, he began to work out with fear "and trembling, and effectually to remember, that is, "to honour and serve his Creator in the daies of his "youth."

In domestic life Lord Falkland seems to have found in his wife a companion who was capable of appreciating his worth, and who returned the tenderness and confidence with which he regarded her. "She was a lady," says Lord Clarendon, "of a most extraordinary wit and "judgment, and of the most signal virtue and exemplary "life that the age produced, and who brought him many "hopeful children in which he took great delight."[2] Lord Clarendon mentions in the History of his Own Life, —and which, being written only for the information of his own children,[3] must be regarded throughout in the nature of a confidential communication,—that the melancholy which Lord Falkland had contracted from the very beginning of the war was partly attributed by those *who were not well acquainted with him* to his having formed an attachment "to a noble lady,"[4] who died on the same

[1] See Dr. Triplet's dedication.

[2] Life, vol. i. p. 40.

[3] Preface to the Life of the Earl of Clarendon, p. 1.

[4] Aubrey calls her "Mrs. Moray, a handsome lady about court." Perhaps he is to be relied on as to the name of the person alluded to, but the

day as that on which he was killed. Lord Clarendon's plain but full refutation of this calumny is best given in his own words:—"They who knew either the lord "or the lady knew well that neither of them was "capable of an ill imagination. She was of the most "unspotted, unblemished virtue, never married, of an "extraordinary talent of mind, but of no alluring "beauty, nor of a constitution of tolerable health, being "in a deep consumption and not like to have lived so long "by many months. It is very true the Lord Falkland "had an extraordinary esteem of her, and exceedingly "loved her conversation, as most of the persons of emi-"nent parts of that time did, for she was in her under-"standing, and discretion, and wit, and modesty, above "most women, the best of which had always a friendship "with her. But he was withal so kind to his wife, "whom he knew to be an excellent person, that, though "he loved his children with more affection and fondness "than most fathers use to do, he left by his will "all he had to his wife, and committed his three sons, "who were all the children he had, to her sole care and "bounty."[1] Nor is Lord Clarendon's the only testimony left to us of the happiness of Lord Falkland in his domestic life. Dr. Triplet, who had been one of those admitted into his closest intimacy at Tew, and who speaks with such affectionate regret "of those happy "times, as that he would not willingly afflict himself by "recalling the felicity he had outlived," thus alludes to

rest of his information seems to be incorrect. Lord Clarendon says she was of no alluring beauty, and Aubrey speaks of Lord Falkland's grief at her death, whereas she seems not to have died till the day on which he was killed.

[1] Life, vol. i. p. 166.

Lady Falkland in a dedication addressed to her son:— "And your blessed mother, were she now alive, would "say she had the best of friends before the best of "husbands." Another writer renders this mournful tribute of respect to the unfading attachment that subsisted between Lord Falkland and his wife. After extolling the early virtue and piety of Lady Falkland, he says, "And now these riches of her piety, wisdom, "quickness of wit, discretion, judgment, sobriety and "gravity of behaviour, being once perceived by Sir "Lucius Cary, seemed portion enough to him. These "were they he prized above worldly inheritance and "those other fading accessions which most men court."[1] "Her proficiency and progress I shall account from that "time when her prosperity began to abate; when her "dear lord and most beloved husband, that he might "be like Zebulon (a student helping the Lord against "the mighty—Judges v. 14), went from his library to "the camp, from his book and pen to the sword and "spear; and the consequent of that, an inevitable neces- "sity that she must now be divorced from him for a "while, whom she loved more than all things of this "world; but that total divorce which soon after death "made between him and her, that he should be taken "away by an untimely death, and by a violent death "too, this was a sore affliction to her; the same sword "which killed him, pierced her heart also."[2] There

[1] *Vide* 'The virtuous holy Christian Life and Death of the late Lady 'Letice, Vi-countess Falkland, with some Additionals (London, 1653, 12mo). 'In a Letter to her Mother the Lady Morison, of Great Tew, in Oxfordshire '(signed J. D., 15 April, 1647). Written by John Duncon.' P. 6.

[2] Ibid., p. 9.

is another account of the conjugal life of Lord and Lady Falkland, written in a far more familiar style, and to be found in the gossiping Memoirs of Aubrey.[1] Though as a recorder of facts he is much too inaccurate to quote from with confidence, yet, as an amusing picture of the influence which Lady Falkland was supposed to have acquired over her husband, it may be worth citing.

"I will tell you a pretty story from Will. Hawes, "of Trin. Coll., who was well acquainted with the "governor[2] aforesaid, who told him that my Lady "was (after the manner of woemen) much governed by, "and indulgent to, the nursery; when she had a mind "to beg any thing of my Lord for one of her mayds, "woemen, nurses, &c., she would not doe it by herselfe "(if she could helpe it), but putt this gent. upon it "to move it to my Lord. My Lord had but a small "estate for his title; and the old gent. would say, "'Madam, this is so unreasonable a motion to propose "'to my Lord, that I am certaine he will never graunt "'it,'—*e.g.* one time to lett a bargaine (a farm) twenty "pound per ann. under value. At length, when she "could not prevail on him, she would say, I warrant "you, for all this, I will obtaine it of my Lord; *it will "cost me but the expence of a few tears.* Now she "would make her words good; and, this great wit, the "greatest master of reason and judgment of his time, "at the long runne, being stormed by her teares (I "presume there were kisses and secret embraces that

[1] Aubrey's Letters.

[2] Lord Falkland's tutor, whose name is not given.

" were also ingredients), would this pious lady obtain " her unreasonable desires of her poor Lord."

Lord Falkland seems to have been but little favoured by nature either in his personal appearance or in his physical powers; Aubrey speaks of him as " a little " man, but no great strength of body, blackish haire, " something flaggy, and, I think, his eyes black." Dr. Triplet, whilst extolling his valour, says, " Though he was " of David's stature, of his courage too." But it is from Lord Clarendon's description that we learn most in detail the difficulties with which Lord Falkland had to contend from personal defects; and it must be acknowledged as an additional proof of the charm of character and force of mind which he possessed, that these physical disadvantages did not mar his influence over others in social and public life. " His stature was " low and smaller than most men; his motion not " graceful; and his aspect so far from inviting, that it " had somewhat in it of simplicity; and his voice the " worst of the three, and so untuned that, instead of " reconciling, it offended the ear, so that nobody would " have expected music from that tongue; and sure no " man was less beholden to nature for its recommenda- " tion into the world; but then no man sooner or more " disappointed this general and customary prejudice; " that little person and small stature was quickly found to " contain a great heart, a courage so keen, and a nature " so fearless, that no composition of the strongest limbs, " and most harmonious and proportioned presence and " strength, ever more disposed any man to the greatest en- " terprise; it being his greatest weakness to be too solicit-

"ous for such adventures; and that untuned tongue and "voice easily discovered itself to be supplied and governed "by a mind and understanding so excellent, that the wit "and weight of all he said carried another kind of "lustre and admiration in it, and even another kind of "acceptation from the persons present, than any orna- "ment of delivery could reasonably promise itself, or "is usually attended with; and his disposition and "nature was so gentle and obliging, so much delighted "in courtesy, kindness, and generosity, that all man- "kind could not but admire and love him."[1]

The taste for literary society, which adorned Lord Falkland's days of retirement in the country, seems to have been unaltered by his change of residence and habits, and a club was formed in London, rendered famous by the members of whom it was composed, which afforded the means of meeting to those who were bound together by the tie of similarity of pursuits. To this club Lord Falkland introduced his friend Mr. Hyde, and, at the same time, Mr. Waller introduced Mr. Morley, afterwards Bishop of Winchester:[2] Mr. Chillingworth, Mr. Godolphin, and Sir Francis Wenham, were also amongst its members.

[1] Clarendon, 'Life,' vol. i. p. 38.

[2] "At one of their meetings they heard a noise in the street, and were "told a son of Ben Jonson's was arrested. They sent for him, and he "proved Mr. Morley, afterwards Bishop of Winchester. Mr. Waller paid "the debt, and this circumstance led to an intimacy between him and "Morley, to whom this adventure proved very advantageous, for Mr. Waller "introduced him into that learned and polite society, as my Lord Falkland "did Mr. Hyde, Earl of Clarendon, at the same time, and the friend- "ship continued between them till both were greater men."—*Life of Mr. Edmund Waller*, pp. xi. and xii., prefixed to his Poems, London, 1711, 8vo.

Lord Falkland possessed the advantage of being a good linguist, and well fulfilled the duties of his office. "In such a man," adds Lord Clarendon, "to speak of his "integrity and high disdain of any bait that might seem "to look towards corruption would have been an affront "to his virtues."[1] There were two things, however, which were regarded as necessary to his office, but to which, Lord Clarendon says, he could never bring himself— "The one, employing of spies or giving any countenance "or entertainment to them;—not such emissaries as with "danger would venture to view the enemy's camp, and "bring intelligence of their number, or quartering, or "any particulars that such an observation can compre- "hend; but those who, by communication of guilt, or "dissimulation of manners, wind themselves into such "trusts and secrets as enable them to make discoveries: "the other, the liberty of opening letters, upon a "suspicion that they might contain matter of dangerous "consequence. For the first he would say, 'such "instruments must be void of all ingenuity and com- "mon honesty before they could be of use; and after- "wards they could never be fit to be credited; and that "no single preservation could be worth so general a wound "and corruption of human society as the cherishing "such persons would carry with it.' The last he thought "such a violation of the law of nature, that no qualifi- "cation by office could justify him in the trespass."[2] In these days there are few in England, of Lord Falkland's station in life, to whom the employment of spies

[1] Hist. of the Rebellion, vol. iv. p. 250. [2] Ibid., p. 249.

and the invasion of the secrecy of private correspondence would not be highly repugnant; yet, even in these days, no government would be held justified in neglecting such means of self-defence to the state when the peace of the country was at stake. Lord Falkland himself even admitted that the danger of the times necessitated the resorting to such means, and profiting by the information so obtained. The marked description, therefore, that Lord Clarendon gives of the distaste with which Lord Falkland viewed the agents of such information, and the disinclination to take part himself in the opening of letters never intended for his perusal, shows that Lord Falkland's feelings on the subject were then deemed peculiar; and is rather a proof that he was in advance of the age in which he lived, than that his sentiments would now appear different from those entertained by English statesmen of the present day.

As an orator, Lord Falkland must be judged by the only speeches which have been handed down to us, and which have been already quoted in this memoir. For clearness of statement, force of argument, correct antithesis, pointed satire, and high moral feeling, they may claim a distinguished place in the ranks of Parliamentary eloquence. As a statesman, the scenes in which he acted, and the part he took in matters of state, afford sufficient comment on his sagacity, justice, courage, and integrity; nor can any better monument be raised to his memory than the opinions recorded by his contemporaries of his talents and virtue.

Sir Philip Warwick says, "Lord Falkland had prodigious natural parts, a memory and a fancy which

" retained all it read and heard, and then as rhetoric-
" ally set it forth, and his notions were useful and not
" common. . . . . That which crowned all was, that he
" was a person of great probity and sincerity."[1]

Dr. Triplet, who enters with affectionate minuteness into the various qualities of his mind and character, says, " His abilities were such as though he needed " no supplies of industry, yet his industry such as " though he had had no parts at all. Often would he " pity those hawking and hunting gentlemen who, if " unseasonable weather for their sports had betrayed " them to keep home, without a worse exercise within " doors could not have told how to have spent their " time; and all because they were such strangers to such " good companions with whom he was so familiar, such " as neither cloy nor weary any with whom they con-
" verse; such as Erasmus," &c. . . . . " Though " there were as much true worth, and closely treasured " up, in him as, well divided, had been able to set up a " hundred pretenders, yet so much modesty withal, that " the hearing of anything was more pleasing to him " than one tittle of his own praise."

Dr. Triplet also dwells upon Lord Falkland's sensitive regard for the feelings of others; and, in alluding to the courteous spirit which pervaded even his controversial writings, says, " He excelled his antagonist no " less in civility than in reason;" and thus " showed " that a gentleman writ with a scholar's pen."

Whitelock, though a warm partisan on the Parlia-

[1] Warwick's Memoirs, p. 214.

mentary side, yet failed not to pay his tribute of respect to Lord Falkland's worth: "His death," says he, "was "much lamented by all that knew him or heard of him, "being a gentleman of great parts, ingenuity, and "honour, courteous and just to all, and a passionate "promoter of all endeavours of peace betwixt the "King and the Parliament."[1] Of his desire for peace no man could be a better judge than Whitelock, who himself had been employed by the Parliament as a Commissioner during the negotiations at Oxford.

In the verses of Cowley, Waller, Ben Jonson, and Suckling, his name is enshrined as the very type of learning and virtue.

By the great historian, whose discernment of character was equalled by his power of delineation, Lord Falkland is described with peculiar care and skill. Every one acquainted with the elaborately-drawn portraits handed down to us by the pen of the Chancellor Clarendon must have felt the fond pre-eminence assigned to that of Lord Falkland. Nor can this be ascribed to the strong and vivid colours in which present affection or recent sorrow seeks to portray its subject. The character of Lord Falkland was neither written when under the influence of constant companionship, nor immediately after death, when grief most delights to invest with imaginary virtues, and honour with exaggerated praise, the object of regret. The History of the Rebellion was not begun till about two years after the battle of Newbury, and the impression

[1] Whitelock's Memorials, p. 70.

then expressed of the irreparable loss incurred to the state by the death of Lord Falkland was only deepened and confirmed by time. Twenty-six years later Lord Clarendon recurs to that event in the words of Cicero lamenting Hortensius: "Quod magnâ sapientium "civium bonorumque penuriâ, vir egregius, conjunctis- "simusque mecum consiliorum omnium societate, alien- "issimo rei publicæ tempore extinctus, et auctoritatis et "prudentiæ suæ triste nobis desiderium reliquerat."[1]

In alluding to the "unhappy battle" in which Lord Falkland was slain, Lord Clarendon pronounces this eulogy in tribute to his memory: "He was a person of "such prodigious parts of learning and knowledge, of that "inimitable sweetness and delight in conversation, of so "flowing and obliging a humanity and goodness to man- "kind, and of that primitive simplicity and integrity of "life, that, if there were no other brand upon this odious "and accursed civil war than that single loss, it must "be most infamous and execrable to all posterity."

Such indeed is the inherent curse of civil war, where victory and defeat are alike the source of mourning to the State that has furnished the combatants to each side of the battle. Even in times of unruffled peace and settled prosperity the death of Lord Falkland would have been a subject of general regret; but at a period when the country needed the aid of the utmost wisdom

[1] Life, vol. i. p. 167.—"That in a great dearth of wise and good "citizens a man of admirable qualities, and intimately connected with me "by a participation of all counsels, having died at a season most disastrous "for the state, left us a melancholy regret both of his authority and "wisdom." (Brutus, c. 1.)

and sagacity to guide her counsels, the death of one in whom was to be found the combination of so much virtue with great ability and high cultivation became a loss of general importance. The tendency of all nations to suffer from time to time some great and dangerous crisis seems but part of the condition of human affairs. That power of accumulating knowledge by experience, which makes the wisdom of one generation rise over that of another, often calls for greater elasticity than is to be found in the institutions by which a country is governed. The disturbance of the equilibrium that ensues from this unequal growth in the wants and expectations of a people, with the legislation established in a less enlightened period, is natural but dangerous; and on the conduct and ability of those who govern, and on the good sense and forbearance of those who are governed, depends the amount of evil that attends the readjustment of the balance.

Doubtless, that form of government and that habit of government is best which, by easily adapting its measures to the changing necessities of the people, passes in peace through even a state of transition, and by yielding to pressure waits not to be overwhelmed with force; — but the moment, the cause, and the amount of pressure cannot always be foreseen, and difficulties may arise which neither written laws nor settled forms nor previous habits of government may be prepared for: then is the time when the virtue, wisdom, and foresight of those who rule and those who resist, may determine whether reformation shall improve or civil war desolate the country. A dangerous

state of transition may become inevitable, but as, in a perilous voyage, on the fidelity, the vigilance, and the skill of those who guide the ship it may chiefly rest whether shipwreck shall ensue, or the haven be reached in safety. At such a time none can be spared with impunity who by their character and influence are fitted to assist in the direction of affairs; and it was at such a conjuncture, when the aid of men like Lord Falkland and John Hampden was of undoubted importance in the guidance of the separate parties to which they belonged, that the country was deprived of their services. The sword of civil strife, which they had wielded for peace and earnestly sought to sheath, inflicted a lamentable blow in cutting off those whose loss was irreparable to the state.

The early death of Lord Falkland closes too soon the history of his short career, but he had done enough to make the blank felt that was caused by his untimely end. To fully appreciate, however, the extent of his loss, it is necessary not only to recall the services he rendered and endeavoured to render to his sovereign and to his country, but to bring to mind the peculiar fitness of his character and abilities to fulfil the requisites for a statesman at that "season most disastrous to the state." With a mind of great natural power, he had invigorated and increased its resources by the constant habit of study and reflection; and thus, stored with knowledge and experience in thought, he brought that spirit of philosophy to bear upon passing events which enlightened his understanding and gave depth to his views in the conduct of

affairs. With a lively imagination, great quickness of perception, and ready sympathy with the feelings of others, he was eminently qualified to take part in the active business of life. He had, with indefatigable industry, devoted to his own improvement those years when, from the cessation of Parliaments, no opportunity was offered for participation in public affairs; but no sooner was that arena opened than it was eagerly entered as one more extensively useful, and the student and philosopher readily applied his learning and wisdom to the exigencies of the people and the government of the country. Elevated in station, of independent fortune, and devoid of personal ambition, he had no mean motives to stimulate his exertions, but alike from duty and inclination he freely gave service where his talents could be available. At a time when the constitution was daily violated or infringed by conflicting parties he remained untainted by the bitterness and unmoved by the passions of faction, and preserved those clear and sound views respecting the privileges of Parliament and the prerogatives of the Crown which had been formed by his cool deliberate judgment. At a period when the country was torn by religious differences in doctrine and discipline, when the principles of toleration were scarcely recognised as consistent with religious faith, and questions of Church government were closely interwoven with every political struggle, he could bring the learning of a theologian, the firm faith of a Christian, and the most enlightened opinions on religious toleration to meet the bigotry and fanaticism with which the Church was alternately supported or assailed. To

the claims of the Church to secular power, and the pretensions of the Crown to divine right, he could oppose the knowledge of those constitutional principles which held within limits ecclesiastical domination, and the more enlarged views of later days respecting the sanctity of Kings. He was straightforward, unbending, and true in a Court that too often depended on intrigue and falsehood for strength and defence. To the success of the party which he had followed first on entering Parliament he fearlessly offered his opposition when their course led to triumphs which his reason disapproved.

In the crowded events that came in rapid succession during this period of civil commotion and warlike encounters, there was little pause to reflect on the losses incurred, or to speculate on the evils that might have been averted; but on looking back to those times, who can withhold his regret at the early loss of one so admirably fitted as Lord Falkland to render good service to his country in her utmost need? who will not feel this brand upon a civil war, that it diminishes the resources of the people when danger is at hand? who will not feel that to destroy the physician as the pestilence approaches carries with it the sting of a double visitation? Lord Clarendon has called the attention of his readers to the duty of history in celebrating "the "memory of eminent and extraordinary persons, and "transmitting their great virtues for the imitation of "posterity." It is on biography that more particularly devolves the fulfilment of this duty. It is to biography that belongs the task of gathering together the meagre notices and scattered details supplied by contemporary

writers, or to be found in works of more general import; and if in this concentration of interest, in thus analysing the springs of action, and seeking out the principles that governed and the feelings that moved the conduct of those whom it celebrates, their memory is better preserved and their virtues are better appreciated, the usefulness of their lives will be prolonged beyond their existence, and posterity may reap the advantages bequeathed by their example.

Lord Falkland was buried in Great Tew church. There is no tablet to his memory, nor is the spot known where he was interred; but in the register of the church is the following (verbatim) entry:—

"The 23rd of September the
"Right Hon^ble. S^r. Lucius Cary Knight
"Lord Viscount of Falkland &
"Lord of the Mannor of Great Tew
"was buried Here." [1]

He left three sons—Lucius, Lorenzo, and Henry—under the guardianship of their mother. In the death of her son Lorenzo Lady Falkland had to bear another severe trial, and her constitution, naturally delicate, sank under the depressing influence of such heavy afflictions. Three years after the fatal battle of Newbury she died of consumption. Lucius, who succeeded his father, died at Paris in 1649, and was succeeded by his brother Henry, who is said to have sold his father's

[1] *Vide* 'Lives of English Laymen:' Life of Viscount Falkland.

library for a horse and a mare. This story seems scarcely credible, though related on good authority.[1] He wrote a play, called the 'Marriage Night,' acted in Charles II.'s time, and which is described by Pepys as "a "kind of a tragedy, and some things very good in it."[2]

PORTRAITS OF LUCIUS LORD FALKLAND.

	Painters.	*Engravers.*
In Lodge's Illustrious Portraits, from the picture in the collection of Lord Arundel of Wardour. Folio.	VAN DYCK.	E. SCRIVEN, 1818.
In the same. 4to.	Do.	J. THOMSON, 1827.
In the same. 8vo.	Do.	H. T. RYALL, 1834.
In the same, without background, smaller edition, now Mr. Bohn's. 8vo.	Do.	PHILLIBROWN.
In the set of Loyalists, on the same plate with Lord Capel, from the picture at Cornbury. 8vo.	. .	G. VERTUE.
In Edward Ward's History of the Rebellion in verse, 1713; afterwards used for an edition of Lord Clarendon's History; from the picture at Longleate. 8vo.	. .	G. VERTUE.
In Cowley's Poems. 8vo.	. .	M. V. GUCHT.
In Hume and Smollett's History. 8vo.	. .	BENOIST.
In the same. 8vo.	. .	BANNERMAN.
With seal and autograph, in a border, in Thane's British Autography. 4to.	VAN DYCK.	

[1] "He was so exceedingly wild and extravagant that he sold his father's "incomparable library for a horse and a mare, as I have been informed by "Sir T. H., who married his widow; afterwards he took up and proved a "man of parts."—Wood's *Athenæ Oxon.*

[2] Diary, vol. iii. p. 173.

	Painters.	*Engravers.*
In Park's edition of Walpole's Royal and Noble Authors, published by Harding in 1798, and by Scott in 1803, from the Duke of Queensberry's picture. 8vo.		
In another edition of the same work, published by Scott. 8vo.	. .	BOCQUET.
Small oval. 12mo.	. .	HARDING.
Small octagon, published by Smeeton. 8vo.		
Very small. 12mo.	. .	J. NUTTING.
An etching. 8vo.	. .	PICHARD OF YORK.
In 'Portraits of Characters illustrious in British History,' &c., published by Woodburn in 1811, from a picture in the collection of T. Lloyd, Esq. Mezzotint. 8vo.	C. JAUSSEN.	C. TURNER.

LETICIA VISCOUNTESS FALKLAND.

Oval, ætatis suæ 35, in a wreath, with emblematical figures beneath, prefixed to her Life by Duncomb, 1648. 12mo.	. .	W. MARSHALL.
Copy of the preceding. 12mo. . .		
In Woodburn's Portraits as above, 1811, from a picture then in Mr. Lloyd's collection. Mezzotint. 8vo.	C. JAUSSEN.	C. TURNER.
Oval, from the same picture, in Burder's Lives, 1815. 8vo.	. .	HOPWOOD.

APPENDIX.

(A.)

The Lord Falkland's Petition to the King.

Most humbly shewing that I had a sonne, until I lost him in your Highness's displeasure, where I cannot seek him, because I have not will to find him there. Men say there is a wild young man now prisoner in the Fleet for measuring his actions by his own private fence. But now, that for the same your Majestie's hand hath appeared in his punishment, he bows and humbles himself before and to it; whether he be mine or not I can discern by no light but that of your royal clemency; for only in your forgiveness can I own him for mine. Forgiveness is the glory of the supremest powers, and this the operation that when it is extended in the greatest measure it converts the greatest offenders into the greatest lovers, and so makes purchase of the heart, an especial privilege peculiar and due to sovereign princes. If now your Majesty will vouchsafe out of your own benignity to become a second nature, and restore that unto me which the first gave me, and vanity deprived me of, I shall keep my reckoning of the full number of my sons with comfort, and render the tribute of my most humble thankfulness; else my weak old memory must forget one.—*Cabala.*

(S. P. O. Ireland.) (B.)

Sir Francis Willoughby to Sec. Lord Dorchester.

RIGHT HONORABLE, 1 Jan. 1629-30.

God knowes howe muche I greeve that my mysfortunes are such as cawseth me to become thus troublesom unto youre Honor; but I comfort my selfe againe in that I well knowe youre Honer joyes in doeinge good toe all men, and espetially toe those that are truly devoted toe honer and serve youre Lordship; in so much as I nowe make bowld to let youre Honer understond that yesterday I spake with my Lord Tresurer, whoe towld me his Lordship had spoken with youre Honer conserning my buisines and would advise with youe what cowrse was fittest toe be taken. I umbly intreated his Honer that the cowrse myght bee speedy, or else I showlde not be able to attend it, for my stay heare was very chargeable, and by my absence I suffer not only in Ireland, but feare my goodes, that have bin longe at Bristow, may likewise perrishe.

Nowe, good my Lord, althowghe I have more then reason toe be confident of youre care of me, yet I humbly beseeche youre Honer that I may, without offence, prefer this sute unto youe, which is, that his Majestyes grant may bee eyther confirmed unto me, and that speedely, or otherwise toe let me knowe what I may trust untoe. From my Lord Fawlkland I must not looke for much favor by reason his son's company is conferred uppon me, as I am lately informed, which was noe ackt of myne, neyther owght my Lord toe blame me for it, but toe the contrary, yf his Lordship will speake of me withowght partiallity, hee knowes that I did his Majesty good service in Ireland, and was, by his Lordship's owne comyssion, made Governor of the cittie of Lymbrick, when it was suspeckted the enemy was coming owt of Biscaye with troopes, and supposed would have landed there, in which place I contynued 20 weekes, toe my great charge, without intertainment.

Right Honorable, I knowe not any man's imploymentes in the army that hath bin lyke myne, nor noe man hythertoe meanlyer rewarded; and truly, my Lord, toe make shewe of abillity, not having it, were but folly, and the end would be beggery; for God is my witnes, my Lord, that I am, with my long attendance, browght toe soe lowe a state of purse, that yf I goe not suddenly I shall neyther be able to goe nor to support my selfe in staying. I shall referr all to your good consideration, and will wayght uppon your Lordship at a fit tyme for answere, and ever be

Your Honer's true servant,

Y^e^ first of January. FR. WILLOUGHBY.

Toe the Right Honorable the Lord Vycont Dorchester,
my ryght honored Lord. These.

(S. P. O. Ireland.) (B 2.)

A Paper, all in the handwriting of Sir Francis Willoughby, containing copies of three letters without date, but probably early in January 1630—as follows:—

Sir Lucius Caries Letter to me.

SIR,

Yf I had knowne certeinly afore the other daye that youe had my company, and afore yesterdaye where youre lodginge was, youe had afore nowe heard from me. Nowe I heare youe are toe goe towardes Ireland on Mundaye, to which I shalbe a little Remora. I only desire youe toe excuse me that I send a sarvant of myne, and not a freind, on such a buisines, for it is toe short a tyme toe make a freind in, and I had none ready made. I doe confesse youe a brave gentleman (and for myne owne sake I would not but have my adversary be soe), but I knowe noe reason why, therfore, youe showld have my company, any more then why therfore you showld have my breeches, which yf every brave man showld have, I showld be fayne shortly toe begg in trowses. I dowght not

but youe will give me satisfaction with your sworde, of which yf you will send me the lengthe, with tyme and place, youe shalbe sure (accordingly toe the appointment) toe meete

LUCIUS CARY.

Sir Fr. Willoughby to Sir Lucius Cary.

MY FIRST ANSWER.

SIR,

Your lines, thowghe unexpeckted in suche a nature, I have receaved. Tis true, as I heare, that the company which was yours is confer'd uppon me, the knolege of which came toe my handes not above 8 dayes agoe: it was noe sute of myne to deprive youe of any thing you possest, but toe the contrary, I desired that neyther youre honorable fathers, nor yours, nor Sir Charles Cootses companyes myght be transferred to me; and this my respeckt wilbe witnessed by very good men. This proceeded owt of a due respeckt toe my Lord youre father, unto whom I have ever given all due respeckts. And there is noe man lyving that can justly tax me that ever I sowght for any partycular company, eyther yours or any mans else, and therfore am free from doeing youe wronge. I have lost better fortunes by following his Majesty then any is given me yet. This is well knowne to the world, and I cowld wishe that I were rendred in the same estate I was in, and youe youre company againe; but beinge this is an ackt of his Majesties, whoe dowghtles will mayntayne it, I shall be the bolder toe justefie my selfe in it; yet shall I not willingly accept of this your letter as a sufficient cawse of a quarrell with youe, my conscience giving me sufficient assurance that I never wronged youe. With this I will conclude, that, yf this answere be not sufficient to plead my innosence, I wilbe found ready toe give youe any content befitting a gentleman. In the meane tyme I shall desire that youe will ground youre buiesnes well, and not rashly run intoe an error, in laying a blame uppon hym that

haeth not desarvid it. This my answer, being boath modest and just, I referr toe youre further consideration, and soe I end, and rest yours toe dispose of,

Fr. Will.

(B 3.)

Sir Fr. Willoughby to Sir Lucius Cary.

MY SECOND ANSWER.

Sir,

Since my last answer to yours, which I presumed myght have servid to have excused hym that never wronged you, yet I find by relation from Capt. Rainsford that youe rest unsatisfied, and, as he tells me, it is becawse I have accepted of that company which was yours and taken from youe by his Majesty, and of late conferd uppon me by the Lordes Justices; and further he tells me that, in regard youe can not strike at the hande, youe must and will strike at the stone that lies lower. Yf this be youre meaning, then this is my answer:—That as I noe waye have done youe wronge, soe am I resolved toe receave none frome youe; yet youe being the sone of a father whom I have and doe much honer, and would be glad toe retayne his Honer's good opinyon, I doe, owt of a good conscience and these respecktes, desire toe shun an unjust and yll grounded quarrell with youe; wherin yf youe persist, then I desire youe toe take notice by these, that what I have receavid is by gift from his Matie., which I am bounde in dewty toe mayntayne with my lyfe, or else unworthy of it. What is conferred uppon me is don by the Lordes Justices, which I am also in honer bound toe make good. Soe as I will conclude that, my cawse being just, I shalbe found ready toe performe what I have here written; and in regard it is well knowne that my intended journey haeth bin longe in expecktation, and nowe being ready toe journey within 3 dayes, for many reasons can not devirt my cowrs from

Bristow, where, yf you desire toe meete me, I shall expres my selfe toe be an honest man, and shall endevor toe give youe content in your desire. And soe I rest as you shall or will conceave of me,

Fr. Will.

I pray, Sir, let me understand youre mynd by writing,— it will be the better consealed.

(C.)

" At the Court at Whitehall, January 17th, 1629-30.—A " Warrant to the Warden of the Fleete to receive into his " custody the person of Sir Lucius Carey, and to keepe him " prisoner untill further order."—*Council Register.*

" January yo 27th.—A Warrant to the Warden of the " Fleete to sett at libertie the person of Sir Lucius Carey."

(D.)

Extracts from the Autograph Minute Book of Lord Falkland, now in the possession of Mr. Lemon :—

17 Apl. 1632.

Sr. John Veele.—Then to hym—concerning the Arreares diew to Lucius Cary and his Company for the haulf yeare endeing ulto. Sept. 1629.

7 May, 1632.

Sr. John Veele. — Then to hym—concerneing his speedy transmittinge over Lucius Cary his Warrants of full pay for the haulfe yeare endeing ulto. Sept. 1629, with Certificatts of Checques and Defalcacions with the Accompte made upp.

This was my 2d. letter to this purpose.

(E.)

Extracts continued.

1 Jan. 1629-30.

Lord President St. Leger.—The first day to hym—concerning the Grant of the Fort of Corke and letter obteyned for possession of Sir Francis Willoughby.

To respitt execution untyll he advertise His Ma^ty^ of Sir Tho. Weynmans graunt being pryor.

Sir Tho. Weyneman.—The 26th of Decemb. 1629.—Concerning the kinges graunt to Sir Francis Willoughby.

My advise to hym to kepe possession tyll yt may appeare what fruict my sollicitation for hym wyll produce.

My letter to y^e^ President sent encloased.

16 Jan. 1629.

Lo. Ranelagh.—The 16^th^ day, to hym—concernyng my 2^d^. entrance into my Declaration in Phelym M^c^ Pheagh's business, 14^o^. Jan. 1629.

The good Impression yt made.

The 18^th^ of this appointed to finish yt.

Lucius his quarrell with Sir Francis Willoughby for his Company to be this day composed before y^e^ Lords.

Earle of Cork.—Then to hym—concerning Sir Francis Willoughbys letter obteyned by his Lordships advise, as affirmed.

S^r^. Tho^s^. Weynemans pryor graunte under y^e^ great seale.

To pause in the execution & advertise first y^e^ state of the case.

Lucius his difference with S^r^. Fr. Willoughby to be composed.

26 Jan. 1629.

Lo. Ranelagh.—Then to hym—concerning Lucius his imprisonment and his entended Starr Chamber menace.

My confidence the conclusion wylbe fayre, but to be kept secrett.

1 Feb. 1629.

Lo. Ranelagh.—Then to hym—concerning the History of Lucius his committment to y^e^ Fleete, and freedome from yt and the Starr Chamber.

My Petition sent with yt.

Sir Tho. Weyneman.—Then to hym—concerning the receipt of his letter by Ferneley. Sir Francis Willoughbys dissisting to pursew the Fort business.

6 Feb. 1629.

Sir W^m^. Parsons.—Then to hym—concerning Lucius his freedome from Fleete and Starr Chamber with honor to boath of us.

The Kinges favour and countenance to me.

12 April, 1630.

M^r^. Piesley.—The 8^th^ day to him—concerning Sir Lucius Caryes marriadge, whereby he will judge what course I must take.

My desire to have him hasten over to assist me therein.

(F.)

Extract from Lord Falkland's Minute Book :—

28 Oct. 1630.

Of M^r^. Lentalls being with me, and of his interôessions for Lucius.

(G.)

Soon after the dissolution of this Parliament the King published a declaration to all his loving subjects of the causes which induced him to take such a step. The following passage

clearly shows that, however convenient it might be to deny that Sir Harry Vane had acted in the House of Commons upon authority, he certainly acted in the spirit of the King's view of his right to demand supplies from Parliament unfettered by any security given on his part respecting arbitrary exactions:—"Ill-affected persons of the House of Commons "have been so far from treading in the steps of their ancestors "by their dutiful expressions in this kind, that contrarily they "have introduced a way of bargaining and contracting with "the King; as if nothing ought to be given him by them, but "what he should buy and purchase of them, either by quitting "somewhat of his royal prerogative, or by diminishing and "lessening his revenues; which courses of theirs, how repug-"nant they are to the duty of subjects, how unfit for his "Majesty in honour to permit and suffer, and what hazard "and dishonour they subject this kingdom to, all men may "easily judge that will but equally and impartially weigh "them."—*Rushworth*, vol. iii. p. 1166.

The Parliament had good reason to mistrust the plan of granting subsidies without a distinct recognition of the illegality of ship-money. The King's conduct in dissolving a former Parliament afforded a precedent of the spirit in which he was likely to act when there was question of obtaining security against illegal exactions by the Crown. "The King," says Mr. Hallam, "who had very much lowered his tone in speak-"ing of tonnage and poundage, and would have been content "to receive it as their grant, perceiving that they were bent "on a full statutory recognition of the illegality of impositions "without their consent, and that they had opened a fresh "battery on another side, by mingling in certain religious dis-"putes in order to attack some of his favourite Prelates, took "the step, to which he was always inclined, of dissolving the "third Parliament."—*Const. Hist.*, vol. i. p. 538.

(H.)

Nov. 10, 1640.—Committee to meet with the Committee of the Lords concerning breach of privilege of their House.

Nov. 23.—Committee concerning the High Constable and Earl Marshal's Court.

Nov. 30.—Committee to meet with a Committee of the Lords concerning the examination of their members in the accusation of the Earl of Strafford.

Jan. 31, 1640-41.—Thanks given to the Committee for the great pains taken in preparing and drawing up the charge.

Feb. 13.—Committee for the abolishing of superstition and idolatry, and for the better advancing of the true worship and service of God.

Feb. 15.—Committee to attend upon his Majesty to give his assent to the Bill for the relief of the King's army and the northern counties.

Feb. 17.—Committee for the confirmation of letters patent and other grants made by the King to his dearest consort.

Feb. 23.—Committee to take into consideration the particulars that were in former Parliaments against Dr. Montague, now Bishop of Norwich, all complaints that concern the Bishop of Llandaff and Bishop Manwaring, with power to prepare a Bill for the reversal of pardon.

Feb. 24.—Lord Falkland, Committee, the matter of customs, customers, farmers, receivers, &c.

Feb. 25.—Committee concerning the conversion of tillage into pasture.

Feb. 27.—Committee for Ministers' and others' remonstrance.

March 7.—48 of the Commons to meet a Committee of 21 of the Lords concerning the trial of the Earl of Strafford.

March 12.—Conference with a Committee of the House of Lords concerning the trial of the Earl of Strafford. Lord Falkland one of the reporters of the conference.

March 19.—Committee concerning an Act against usury.

March 25, 1641.—16 of the Commons with 8 of the Lords to go to the City about the advancing of a loan upon the security of the subsidies already granted and voted.

April 14.—Conference of Committees of both Houses touching the treaty of both kingdoms. Lord Falkland one of the reporters of the conference.

April 19.—Conference by a Committee of both Houses concerning the garrison of Berwick. Lord Falkland one of the reporters of the conference.

April 22.—Conference by a Committee of both Houses concerning the estate of Berwick. Lord Falkland one of the reporters of this conference.

April 23.—Committee to prepare a protestation.

April 26.—Lord Falkland went up to the Lords to desire a conference by a Committee of both Houses concerning the Court of the President and Council in the North.

May 3.—Lord Falkland and others draw a letter to be sent to the army and to present it to the House the following day. The Committee to think of some way of provision of clothing, if need be, for the common soldiers. Lord Falkland's name to be added, with Mr. Selden and Mr. Vaughan, to the Committee to prepare the Declaration and Protestation.

May 4.—Committee to view the precedents of the Star Chamber concerning the enormous sentences of that Court.

May 8.—Conference by a Committee of both Houses concerning the great and weighty affairs of the kingdom. Lord Falkland one of the reporters.

May 20.—Committee for disbanding of the armies.

May 24.—Committee concerning an explanation of the vote concerning the first part of the 11th Article of the House of Commons touching incendiaries.

May 26.—Committee to examine who have received any

benefit or bribe by the patent for the payment of 40 shillings per ton on wines.

June 3.—Committee to prepare reasons to be given to the Lords at a conference in answer of their objections to the Bill concerning the removal of Bishops and others in holy orders from temporal affairs.

June 10.—Committee to consider the best and readiest way for disbanding the armies.

June 28.—Committee of 24 of the Commons to meet 24 of the Lords to confer about 10 propositions brought up by Mr. Pym.

July 2.—For establishing Fellows at Sir Simon Bennet's College.

July 3.—Mr. Pierpoint, Mr. Waller, Mr. Crewe, Mr. Hyde desire Lord Falkland, Mr. Newport, Mr. Gerrard to assist in reading the articles of impeachment against the judges.

July 5.—Committee to look into the journals of the House for information concerning the restoring of the Prince Elector-Palatine to his rights and possessions, &c. &c.

July 6.—Committee to take into consideration the oaths that sheriffs take before they come into their office.

July 12.—Committee to present to the House what businesses are fit to be considered of and expedited by the 10th of August.

July 15.—Committee to prepare heads for a Bill for regulating the arms of the kingdom, and the musters, and ordering the trained bands and ammunition.

July 20.—Conference with the House of Lords. Lord Falkland one of the reporters.

July 21.—Conference by a Committee of both Houses touching a message received from the Queen. Lord Falkland one of the reporters.

July 28.—Committee to take into consideration what is fit

to present to the House in case the King shall be out of the kingdom when the Parliament is sitting.

July 29.—Committee for settling certain manors and lands in the county of Somerset, &c.

July 30.—Conference by a Committee of both Houses, concerning the Scots Commissioners' answer touching the disbanding the armies. Lord Falkland reporter.

Aug. 4.—Ditto, ditto.

Aug. 5.—Conference by a Committee of both Houses concerning a Custos Regni. Lord Falkland one of the reporters.

Aug. 7.—Lord Falkland, Mr. Hyde, Mr. Hollis, Mr. Hampden, Sir P. Stapleton, ordered to draw a letter to the Lord-General concerning the disbanding of the troops of horse.

Aug. 7.—Committee to prepare heads for a conference with the Lords concerning his Majesty's journey into Scotland.

Aug. 7.—Committee appointed for the remonstrance: ordered that Lord Falkland be added to that Committee.

Aug. 7.—Conference by Committee of both Houses on the subject of petitioning his Majesty to stay yet 14 days. Lord Falkland one of the managers of this conference.

Aug. 8.—Lord Falkland, Hampden, Sir J. Colepepper, Mr. Pym, Mr. Hollis, appointed to prepare heads for a conference with the Lords concerning some things that may settle and preserve a good understanding between this and the Scottish nation.

Aug. 8.—Lord Falkland appointed to go to the Lords with a message to desire their Lordships to send to his Majesty to know his pleasure when he will appoint a time for both Houses to attend his Majesty.

Aug. 14.—Committee to draw up heads for instructions to the gentlemen appointed by the House to be sent into Scotland upon the general head of taking care to see the treaty performed there.

Aug. 14.—Committee to take into consideration the present wants and defects of the navy.

Aug. 16.—Lord Falkland, Mr. Hyde, Lord Fairfax, and Sir John Hotham to prepare a letter to be sent to the Lord-General.

Aug. 16.—Conference by a Committee of both Houses concerning some letters received from the Lord-General touching the disbanding of the army. Lord Falkland one of the reporters of this conference.

Aug. 16.—Committee appointed to meet with a Committee of the Lords concerning the securing of Hull.

Aug. 20.—Lord Falkland, Mr. Selden, Mr. Walsh examined by the Committee of five, to prepare some authority and warrant to be derived to those gentlemen of the House of Commons that are to go into Scotland.

Aug. 21.—Committee to prepare an ordinance of Parliament and instructions for the present disarming of recusants.

Aug. 23.—Lord Falkland and Mr. Crewe ordered to prepare letters to the several sheriffs of the counties desiring the money upon the Poll Bill be speedily paid in.

Aug. 24.—Conference by a Committee of both Houses concerning the King's desires respecting the levying of soldiers in Ireland. Letters from the Lord-General to the Lord-Keeper and the Lord Chamberlain, &c. Lord Falkland one of the reporters of the conference.

Aug. 24.—A conference by a Committee of both Houses concerning the providing and sending of moneys for disbanding the King's army. Lord Falkland one of the reporters of this conference.

Aug. 24.—Lord Falkland and 5 others ordered to prepare an order concerning the review of the assessments made of the poll-money in the counties.

Aug. 26.—Committee to join with the Committee of the

Lords to prepare an order for celebrating the public thanksgiving on the 7th September.

Aug. 28.—Committee to meet with a Committee of the Lords to prepare a despatch to his Majesty concerning the levies of men desired for the service of the King of Spain and French King.

Aug. 30.—Committee to consider of the petition from the freeholders of the county of Herts. Care of the petition of merchants and others concerning the speedy erecting of a Company for America and Africa to the southward part of Cape Blanke and the adjacent islands, referred to Lord Falkland and others. On the same day, conference by a Committee of both Houses concerning letters sent from his Majesty to Mr. Nicholas, touching the petition and commission sent to his Majesty. Lord Falkland one of the reporters.

Aug. 31.—Committee to take into consideration the removing of the communion tables in the Universities and the Inns of Court, and the book of sports, &c., and to frame an order upon them.

Sept. 1.—The report of this Committee produced on this day the following declaration:—"Whereas divers innovations, in or about the worship of God, have been lately practised in this kingdom, by enjoining some things and prohibiting others, without warrant of law, to the great grievance and discontent of his Majesty's subjects: for the suppression of such innovations, and for preservation of the public peace, it is this day ordered by the Commons in Parliament assembled that the Churchwardens of every parish church and chapel respectively do forthwith remove the communion table from the east end of the church, chapel, or chancel, into some other convenient place; and that they take away the rails, and level the chancels as heretofore they were before the late innovations:

That all crucifixes, scandalous pictures of any one or more

persons of the Trinity, and all images of the Virgin Mary, shall be taken away and abolished; and that all tapers, candlesticks, and basons be removed from the communion table:

That all corporal bowing at the name Jesus, or towards the east end of the church, chapel, or chancel, or towards the communion table, be henceforth forborne:

That the orders aforesaid be observed in all the several cathedral churches of this kingdom, and all the collegiate churches or chapels in the two universities or any other part of the kingdom, and in the Temple church and the chapels of the other inns of court, by the deans of the said cathedral churches, by the vice-chancellors of the said universities, and by the heads and governors of the several colleges and halls aforesaid, and by the benchers and readers in the said inns of court respectively:

That the Lord's day shall be duly observed and sanctified; all dancing or other sports, either before or after divine service, be forborne and restrained; and that the preaching of God's word be permitted in the afternoon in the several churches and chapels of this kingdom, and that ministers and preachers be encouraged thereunto:

That the vice-chancellors of the universities, heads and governors of colleges, all parsons, vicars, churchwardens, do make certificates of the performance of these orders:

And if the same shall not be observed in any of the places aforementioned, upon complaint thereof made to the two next justices of peace, mayor, or other head officer of cities or towns corporate, it is ordered that the said justices, mayor, or other head officer respectively, shall examine the truth of all such complaints, and certify by whose default the same are committed; all which certificates are to be delivered in Parliament before the 30th of October next."

This order was presented from the Committee appointed to that purpose, and put to the question and assented unto.

Sept. 6.—Lord Falkland teller for the Yeas on the question whether this word "deprave" shall stand in the addition brought in from the Committee to the ordinance for abolishing innovations.

Sept. 8.—Lord Falkland, Mr. Pym, and Mr. Martin added to the Committee of 6 appointed to meet with the Committee of Lords for drawing a despatch to his Majesty concerning the levies of men in Ireland for the service of the King of Spain and the King of France. Lord Falkland, Sir J. Colepepper, Mr. Waller, Sir H. Vane ordered to repair, two of them to the Spanish Ambassador and two to the French, to know of them by what authority they treat with officers concerning the levies of men and horse in England.

Sept. 9.—Lord Falkland reports the answer he received from the French Ambassador. Lord Falkland and others appointed to go to the Lords to desire a conference on the subject of restraining of forces to be employed in the service of foreign princes, and concerning instructions to be sent to the Committees in Scotland. Lord Falkland one of the managers of this conference.

Sept. 9.—Lord Falkland sent to the Lords to acquaint their Lordships that the House of Commons had appointed a Committee during the recess and has given them this power to recall their Committee in Scotland if they shall see cause. Committee appointed in which Lord Falkland and 46 others were to meet twice a week during the recess.

Oct. 26.—Conference by Committee of both Houses concerning letters received by the Lord Keeper from his Majesty. Lord Falkland one of the reporters of this conference.

Oct. 26.—Committee to prepare heads for a conference with the Lords concerning the sequestering the Bishops from their votes in Parliament, according to the resolutions of the House.

Nov. 9.—Committee to take into consideration the proposition of the merchants to have liberty to transport Spanish money

into Ireland in specie, or any other foreign coin to be uttered there.

Nov. 13.—Committee to consider the outrages offered to Signor Amerigo, agent of the Duke of Florence, and to consider of the abuses of those men that are employed by this House for apprehending of priests.

Nov. 20.—Conference by a Committee of both Houses concerning letters read in the House of Lords touching the affairs of the kingdom. Lord Falkland one of the reporters of this conference.

Nov. 24.—Committee to examine the Irish lately taken up on suspicion by order of this House.

Nov. 25.—Lord Falkland teller for the Noes on the question that Mr. Palmer shall be sent to the Tower.

Dec. 6.—Committee is to present some such course as may be fit to prevent all abuses in the elections of members to serve in this House.

Dec. 11.—Committee on the petition of the inhabitants of Wisbech, Leverington, &c.

Dec. 13.—Committee to examine the whole business concerning the raising and sending armed men to the palace at Westminster.

(I.)

Falcefying and [1] kings coyne is treason, but the endeavour is not treason. The stat. 25 Ed. 3 tooke away all treason at the comon law for succeeding times.

Williams case, 16 Jacob.

Makinge bace money with an intent to utter it.

Counterfeiting the greate seale, by taking the wax from an old patent and fixinge it to a new.

[1] So in the MS.

The statute saies, if the servant kill his master; but if the maid kill the mistris?

If a judge bee killd in his seat of justice 'tis treason, but quære then the powder plot.

25 Ed. 3 takes not away all treasons at common law, for 'tis only an affirmative statute.

1 H. 4. cap. 10, and 1 Mar. cap. 1, doe not take away the declaratory power given by 25 Ed. 3.

Ri. Roose, *alias* Cooke, his case, in putting poyson into yeast, divers died, this declared high treason, and hee to bee boyled to death. 22 H. 8. cap. 9, ergo, since Hen. 4th his time, treason hath been declared in parliament.

In equity Lord Stratford deserves to dye.

In Hen. 7ths time clergy was taken from on (one) Gleame, and hee hanged.

The Committee spake to the lords like oratours, but heere like judges, full of doubts.

Subversion of the fundamentall law either by force or by tongue.

Ingeniosissime nequam, et in malo publico facundus.

Lord Faulkland. This casts a concealing of delinquints uppon the King.

Arminians agree noe more with papists then with protestants.

"Bellum episcopale," only said by on (one) bishopp, but laid uppon the bishopps, and soe, "bringing in idolatry."

Orders and ordinances made to command and forbid, where there is noe law for them. Many good lawes made now bishopps and popish lords are sitting in parliment, we confesse, yet wee say, non can bee made whilst they sit there.

Preist and clerke, about approbation of councellours, where on (one) approves and the other names.—*Notes on the Long Parliament, by Sir Ralph Verney, Knight.*

(K.)

Sir Edward Nicholas to the King.

MAY IT PLEASE YO^r MOST EXCELLENT MA^tie,

My last to yo^r Ma^tie was of y^e 27^th p^esent, w^ch I sent by packet addressed to M^r Th'rer. Yo^r Ma^ties long absence encourages some to talke in Parliam^t of highe matters. It was yesterday in debate in y^e Co'mons House, that y^e Parliam^t may have the approbac'on of all Officers, Councellors, Amb'dors, and Ministers, and yo^r Ma^tie y^e nominac'on. The reasons alleaged for it were, first that it had bene soe heretofore, and soe is conceaved to be an auntient right; 2^ly that y^e ill effects that have bene by y^e councells and acc'ons of olde Officers, Councellors, &c., & y^e feares that there may be y^e like by the new, will make all that hath bene hitherto donne nothing, if this may not be graunted to secure them, whereby the kingdome may be as well p^eserved as purged; 3^dly that yo^r Ma^tie did heare partic^lar & privat mens advise in y^e choyce of yo^r Offi^rs, Councellors, &c., & therefore it can be noe derogac'on for yo^r Ma^tie to take therein y^e advise of y^e P'liament. Some said that untill such things as these shalbe granted they cannot w^th a good conscyence supply yo^r Ma^ties necessities. After a long debate this busines was at length referred to a Select Com'ittee to p^epare forthw^th heads for a pet^on to be p^esented to yo^r Ma^tie to receave the P'liam^ts approbac'on of such Officers, Councellors, &c. as yo^r Ma^tie shall choose, for better p^evenc'on of y^e great & many mischeifs that may befall y^e Commonwealth by y^e choyce of ill Councellors, Officers, Amb'dors, & Ministers of State, w^ch pet^on is to be ripened w^th all speede and to be p^esented to y^e House. There appeared soe many in y^e Com'ons House against this busines, that some conceave that there wilbe noe further proceeding in it, but I doubt it: howsoever I may not forbeare to let yo^r Ma^tie knew, that the Lo:

ffalkland, S^r^ Jo. Strangewishe, M^r^ Waller, M^r^ Ed. Hide, & M^r^ Holbourne, & diverse others, stood as Champions in maynten'nce of yo^r^ Prerogative and shewed for it unaunswerable reason & undenyable p^e^sedents, whereof yo^r^ Ma^tie^ shall doe well to take some notice (as yo^r^ Ma^tie^ shall thinke best) for their encouragm't.

I co'mande you to doe it in my name, telling them that I will doe it my selfe at my returne.

Westminster, 29 *Oct.*, 1641.

—*Evelyn's Diary and Correspondence*, vol. ii.

(L.)

William Beale, D.D., originally of Pembroke Hall, Oxford, became afterwards Master of St. John's College, Cambridge, and Chaplain to Charles I. He had been favoured and promoted by Laud, and was deemed by the Puritans to be popishly affected. He was amongst the first who engaged in gathering and conveying the plate belonging to the University of Cambridge to the King, and was hurried a prisoner to London, suffered great indignities from the populace through that city on his way to the Tower, where he remained some years for the same offence and for denying the covenant. He was plundered, and deprived of his headship of St. John's, and sequestered from all his other spiritualities. He was at length exchanged, and fled to Oxford, where he exercised his function as minister in presence of the King and his court. After the execution of the King he went abroad, and died heart-broken, 1651.—Wood's *Fasti Oxonienses*, vol. ii. p. 81.

(M.)

Lord Falkland's Letter to Mr. Hyde.

Dear Sweetheart,

The Lords sent to us to-day to desire that we would make haste to proceed with the changes of my Lord of Canterbury, and the other delinquents accused before them. Among the rest, the judges were named, in particular Judge Berkley; and Mr. Peard then named you, as having been in that chair, and so fitted to attend that business, both to inform us and be employed by us. He added, that he doubted not you were very perfect in it; for though you were sometimes at a committee in the morning, yet the afternoons he supposed you spent about that because you were never in the House. To this I replied, that in the charge against Judge Berkley (which was to precede the rest, because he stands committed, and none of the rest, and the Lords had once set him a day for his trial and we had deferred it) you were not engaged by the House, but reserved for those judges whose charge you had yourself carried up. I told them that you had, this good while, great inclinations to the stone, so that, if you sat above an hour or two at a time, it put you to much pain, which had made you attend the House so seldom, and yet allowed you to be at a committee sometimes, which sits but a little at a time, and which had carried you now for a turn into the country, to try how air and riding would mend you. Mr. Hunt replied, that, having been in that chair, you would be necessary as well to Judge Berkley's business as to that of the Chequer Judges; and Mr. Morley fell again upon you for not waiting upon the House, and yet attending the Dover committee so duly; and said the House was not to take notice of any man's being out of town who had not leave to go, and so moved (which was ordered accordingly) that the House should order you to attend to-morrow morning. I thought fit to let you know it, that you may rise at three of

the clock to-morrow, and be here time enough if you please. You know I never take upon me to counsel, nor will add any more than that I am,

Sweethcart, y^r^ most affec^t^ humble servant,

FALKLAND.

March 23, 1641.

The House sits more early in the morning to-morrow, and no more in the afternoon.—*Clarendon State Papers*, vol. ii. p. 141.

(N.)

The King's Answer to the Petition of Hertford of June 7, 1642.

His Majesty graciously accepts the acknowledgment of the petitioners, and is very glad that in a county so near the violence which hath sought to oppress his Majesty, and where so great industry hath been used to corrupt his good subjects, and to impress into them thoughts and resolutions of disloyalty against him, there is yet so grateful a sense of his Majesty's justice, and so true a sense of the calamities of the kingdom. And his Majesty assures the petitioners that he so far concurs with them in all their requests, that they do not more desire to receive, than his Majesty doth grant, all they ask of him.

Of the present distractions and distempers, in which the petitioners express an honest and loyal care of the safety of his Majesty's person (a thing so far from being of late regarded, that God only hath preserved him from being destroyed by the bloody hands of rebels), his Majesty doubts not but the petitioners know from what fountain they have sprung; and by the grievances and pressures exercised upon their own county, in which his Majesty cannot be suspected to have the least hand, so much as by accident, will quickly discern that, when that part of the law which should defend his Majesty is so easily mastered and trodden down, the other part, which should secure

his subjects, will insensibly moulder away, and give them up to the same violence; and that, when they shall too inconsiderately look upon the public sufferings, they do but invite prosperous ill instruments to bring the misery home to their doors.

That all hostility may cease, cease for ever, and a blessed and happy accommodation and peace be made; that God's honour and the Protestant religion may be maintained; that the just privileges of Parliament, and the laws of the land, may be upheld and put in execution, that so his good people may be forced from their fears, and secured in their estates, is not, cannot be more the wish and prayer of the petitioners than it is the earnest and incessant endeavour of his Majesty. And that, when the petitioners remember that his Majesty's compassion of the miseries of a civil war kept him so long from endeavouring to raise an army, that he was almost swallowed up by a desperate rebellion, and nothing but the immediate hand of God could have supplied him with men, arms, or money for his defence; and when they consider the strong licence given or countenanced in the exercise of religion, the scorn and contempt the very Protestant religion itself suffers by Brownists, Anabaptists, and sectaries, who in truth have destroyed the civil peace too; when they look upon the strong invasion upon the freedom and privilege of Parliament, by the violence and faction of such men, and see the laws of the land, with a loud voice, vilified and trampled upon, they must confess 'tis no more in his Majesty's power to satisfy the petitioners in their most just desires, than to preserve his own person, honour, and estate, from that fury which threatens that and all the rest; and that what the petitioners now ask is the only argument of his Majesty's taking up just, necessary, and defensive arms. But if the petitioners shall join with his Majesty, and assist him to assist them; if they shall resolve to defend the known laws of the land (as the only excellent rule), and not to submit to any extravagant arbitrary power whatsoever; if they shall set a

true price upon their religion (sealed with the blood of so many glorious martyrs), and on the behalf of it protest against all the distempers of Brownists, Anabaptists, and sectaries; if they shall help his Majesty to reduce the whole fabric of Church and State according to the model of Q. Elizth's time (so long and seriously proposed by his Majesty), in which the foundations were laid of all that happiness and glory which the whole nation enjoyed so many years after, and to which his Majesty hath made so great an addition of excellent laws, his Majesty doubts not that any faction shall prevail against them, but that, other counties following the example of the petitioners, in short time his Majesty, the petitioners, and the whole kingdom, will find the accomplishment of all that is desired by this petition.

Falkland.

The King's Answer to the Petition of the Counties of Cumberland and Westmoreland, July 5, 1642.

His Majesty is very well pleased with the duty and affection of this petition, and hath commanded me to signify his good acceptance of it, and thanks for it to the petitioners, and to assure them that, if some others had had the same sense of, and gratitude for, his justice and favour towards them, in the yielding of his royal assent to so many good bills, as the petitioners have, and given as good credit to his professions and protestations for the defence of the religion and laws established as the petitioners give, and been as ready to recollect and embrace all good means that might tend to a happy union, and renew a right understanding between his Majesty and his Parliament, as his Majesty hath been, is, and ever shall be, this (by the help of God) had been by this time a most secure, united, and happy kingdom, free from all the present jealousies, distractions, and dangers.

And as his Majesty consents with the petitioners in a most earnest desire that such a way may be discovered and pursued

which might reconcile all differences and mistakings, and by which he may have full satisfaction in his just demands; so he likewise consents with them that the choice of some plan, free from exception both of danger and distrust, would be the most probable, and indeed a certain means to attain that end which out of his great affection to justice and peace, and his care of the freedom (which is the principal privilege) of Parliament, his Majesty hath often intimated, and of late seriously recommended to both Houses, but not only without success, but without answer.

His Majesty doth likewise assure the petitioners that he will no longer expect that they should make good their professions of being ready, according to their power, with their lives and fortunes, to defend his person, honour, crown, and dignity, than he shall be ready, according to his power, with his life and fortune, to defend the religion and laws established, against all maligners of the peace and prosperity of the kingdom.

—*Rushworth,* vol. iv. p. 641. Falkland.

The King's Answer to the Petition of Flint, August 4, 1642.

His Majesty hath commanded me to return this answer to this petition, that his Majesty is much pleased with the duty and affection expressed by the petitioners, and with so evident a testimony that the grievances he hath redressed, the laws he hath passed, and the declarations he hath made, have produced the effects for which they were intended—the satisfaction, gratitude, and confidence of his good subjects, which he doubts not but the whole course of his government will daily increase. That his Majesty is no less pleased to see them so sensible of what hath and ever will best preserve their happiness and security; and that therefore they desire only to be governed by that rule which he is resolved only to govern by, the known and established laws of the land, assuring them that, according

to his oath, he will always protect them from the invasion of any other assumed arbitrary power whatsoever, as long as he shall be able to protect himself, being resolved of nothing more than to stand and fall together with the law. And that he will not expect they should be any longer ready to express their duties to him by the hazard of themselves and fortunes for the preservation of his person, honour, estate, and lawful prerogative, against all powers and persons whatsoever, than his Majesty shall ever be mutually ready to discharge his duty towards them by the hazard of himself and fortune for the preservation and defence of the religion and laws established, of the just privileges and freedom of Parliament, and of the liberty and propriety of his subjects, against whomsoever shall endeavour either to destroy or oppose them.

—*Rushworth*, vol. iv. p. 642. FALKLAND.

(Lansdowne MS. 231, f. 155.) (O.)

Extract from Aubrey's Remains of Gentilism.

Sortes { Homericæ. Virgilianæ. Biblicæ.

Sortes Biblicæ were condemned by a council. Sortes Virgilianæ are in use still, but more beyond sea than in England, but perhaps *heretofore* as much here. As for Homer, Græcum est, non potest legi: for Greek was not understood westwards of Græcia till after the taking of Constantinople; but y^e^ Grecians did use the Homerican sortilege.

These divinations are performed after this manner, viz., The party that has an earnest desire to be resolved in such an event takes a pinne, and thrusts it between the leaves of one of the aforesaid bookes; and chooses which of the pages she or he

will take, and then open the booke and begin to reade at the beginning of y^t^ period: the booke at the pricking is held in another's hand.

In December, 1648, K. Charles the First being in great trouble, and prisoner at Caersbrooke, or to be brought to London to his triall, Charles, Prince of Wales, being then at Paris, and in profound sorrow for his father, Mr. Abraham Cowley went to wayte on (visite) him: his Highness asked him whether he would play at cards, to diverte his sad thoughts. Mr. Cowley replied he did not care to play at cards; but if his Highness pleased, they would use sortes Virgilianæ [Mr. Cowley alwaies had a Virgil in his pocket]: the Prince accepted (liked) the proposal, and prick't his pinne in the fourth booke of the Æneads at this place, Æn. iv. 607:—

Sol, qui terrarum flammis opera omnia lustras:
Tuque harum interpres curarum et conscia Juno:
Nocturnisque Hecate triviis ululata per urbes:
Et Diræ ultrices, et Dii morientis Elisæ:
Accipite hæc, meritumque malis advertite numen,
Et nostras audite preces. Si tangere portus
Infandum caput, ac terris adnare necesse est;
Et sic fata Jovis poscunt, hic terminus hæret:
At bello audacis populi vexatus et armis,
Finibus extorris, complexu avulsus Juli,
Auxilium imploret, videatque indigna suorum
Funera; nec cum se sub leges pacis iniquæ
Tradiderit, regno aut optata luce fruatur;
Sed cadat ante diem, mediaque inhumatus arena.

The Prince understood not Latin well, and desired Mr. Cowley to translate the verses, which he did admirably well, and which Mr. George Ent (who lived in his house at Chertsey in the great plague, 1665) showed me of Mr. Cowley's owne

hand writing; I am sorry I did not take a copie of them. It is a good while since I saw them; I thinke the Prince was put about—Et si fata Jovis poscunt—but for want of Mr. Cowley's,[1] I will set downe Mr. Ogilby's:—

O Sun, whose eye views all the worldes affaires,
And thou, great Juno, conscious of those cares,
Nocturnal Hecate, who oft dost raise
Loud cries through cities, in cross meeting waies,
Revenging furies, and you Gods that are
Dying Eliza's, hearken to my prayer;
Shew your deserved wrath: if he must gaine
His port, that impious man those coasts attain,—
If Fate decree, and fixt the periods are,
Let him be vext with a bold people's war;
Exil'd, forc't from his sons embrace, may he
Seek aid, and his owne friends sad funerals see;
Nor when dishonored peace he makes with them,
Let him loved life enjoy or diadem,
But die before his day, *the sand his grave*,—
And with my blood this last request I crave.

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[1] Aubrey has scratched through the lines marked. At the margin he has written "Search for it amongst Mr. Ent's papers in the library of the Royal Society;" and this he appears to have done, for a piece of paper is inserted, of which the following is a copy:—

"'T was this place—
Virg. Æneid, lib. 4.
—— Audacis populi bello, &c.

By a bold people's stubborn arms opprest,
Forc't to forsake the land he once posses't,
Torn from his dearest sonnes, let him in vain
Seeke helpe, and see his friends unjustly slain.
Let him to base unequal termes submit,
In hope to save his crown, yet loose both it
And life at once, untimely let him dy,
And on an open stage unburied ly.

—Translated for K. Ch. II. by Mr. Abraham Cowley."

Now as to the last part—the sand his grave—I well remember it was frequently and soberly affirmed by officers of the army, &c., that the body of King Charles the First was privately put into the sand about Whitehall; and the coffin that was carried to Windsor, and laid in King Henry 8th's vault, was filled with rubbish, or brickbats. Mr. Fab. Phillips, J. C^tus^, who adventured his life before the King's tryall, by printing, assures me that the King's coffin did cost but six shillings: a plain deale coffin.

" Dans la Grèce et dans l'Italie on tirait souvent les sorts de quelque poète célèbre, comme Homère ou Euripide; ce qui se présentait à l'ouverture du livre était l'arrêt du ciel. L'histoire en fournit mille exemples. On voit même que quelque deux cents ans après la mort de Virgile on faisait déjà assez de cas de ses vers pour les croire prophétiques, et pour les mettre en la place des sorts qui avaient été à Préneste. Car Alexandre Sévère, encore particulier, et dans les temps que l'empereur Héliogabale ne lui voulait pas de bien, reçut pour réponse, dans le temple de Préneste, cet endroit de Virgile dont le sens est, Si tu peux surmonter les destins contraires, tu seras Marcellus.

" Ici mon auteur se souvient que Rabelais a parlé des sorts Virgilianes, que Panurge va consulter sur son mariage; et il trouve cet endroit du livre aussi savant qu'il est agréable et badin. Il dit que les bagatelles et les sottises de Rabelais valent souvent mieux que les discours les plus sérieux des autres. Je n'ai point voulu oublier cet éloge, parce que c'est une chose singulière de le rencontrer au milieu d'un traité des oracles plein de science et d'érudition. Il est certain que Rabelais avait beaucoup d'esprit et de lecture, et un art très particulier de débiter des choses savantes comme de pures fadaises, et de dire de pures fadaises le plus souvent sans ennuyer.

C'est dommage qu'il n'ait vécu dans un siècle qui l'eût obligé à plus d'honnêteté et de politesse.

" Les sorts passèrent jusques dans le christianisme; on les prit dans les livres sacrés, au lieu que les païens les prenaient dans leurs poètes. Saint Augustin, dans l'épître 119 à Januarius, paraît ne désapprouver cet usage que sur ce qui regarde les affaires du siècle. Grégoire de Tours nous apprend lui-même quelle était sa pratique; il passait plusieurs jours dans le jeûne et dans la prière; ensuite il allait au tombeau de Saint Martin, où il ouvrait tel livre de l'Ecriture qu'il voulait, et il prenait pour la réponse de Dieu le premier passage qui s'offrait à ses yeux. Si ce passage ne faisait rien au sujet, il ouvrait un autre livre de l'Ecriture.

" D'autres prenaient pour sort divin la première chose qu'ils entendaient chanter en entrant dans l'église. Mais qui croirait que l'empereur Héraclius, délibérant en quel lieu il ferait passer l'hiver à son armée, se détermina par cette espèce de sort? Il fit purifier son armée pendant trois jours, ensuite il ouvrit le livre des Evangiles, et trouva que son quartier d'hiver lui était marqué dans l'Albanie.

" Etait-ce là une affaire dont on pût espérer de trouver la décision dans l'Ecriture?

" L'Eglise est enfin venue à bout d'exterminer cette superstition; mais il lui a fallu du temps. Du moment que l'erreur est en possession des esprits, c'est une merveille si elle ne s'y maintient toujours."—*Histoire des Oracles, Œuvres de Fontenelle*, tome iii. p. 342.

[The passage referred to by Fontenelle is in c. iv. of the Life of Alexander Severus, by Lampridius. It is stated likewise, in c. xiv. of the same Life, that when his mother dissuaded him from the study of philosophy and literature, and directed him to other pursuits, the Sortes Virgilianæ presented the verses beginning, Excudent alii, &c. There is, however, an earlier instance of the use of the Sortes Virgilianæ than that

referred to by Fontenelle. Hadrian is reported to have consulted them, during the reign of Trajan, concerning the emperor's opinion of him. (Spartian. Vit. Hadrian, c. ii.) This would fall in the early part of the second century.]

(P.)

It seems in this treaty they so pressed his Majesty with their best reasons and arguments to grant what they desired, that the King was so fully satisfied with their reasons, that he absolutely agreed to what they proposed, and promised to give them their answer the next morning, according to their desires; but because it was then late, and past midnight, he deferred to give his answer in writing till the next morning, and commanded them to wait upon him accordingly. The commissioners hereupon went to their lodging full of joy, in hopes to receive the answer agreed upon; but, instead of what they expected, and was promised by the King, he gave them a paper quite contrary to what was concluded between them the night before. The commissioners did most humbly expostulate with his Majesty, and pressed him upon his royal word, and the ill consequences they feared would follow upon this new paper, to which the King told them he had altered his mind, and that the paper he gave them was his answer, which he was resolved to make upon their last debate, and they could obtain no other answer from him, which gave them much sadness and trouble. After this sad rencounter (which the commissioners did not expect), they inquired of some of the King's particular counsellors how the King came to change his mind, who said, that after the King had left his council, and was undressing, some of those gentlemen about him whose interest was for continuance of the war, and hearing what answer the King had promised, never left pressing the King till they had persuaded and prevailed

with him to change his former resolution, and to order his answer to be drawn as then delivered; which being intimated to the commissioners, they used their utmost endeavours to dissuade the King from sending this answer, fearing it would break the treaty; but they could not prevail: the answer was sent, and, upon the Parliament's receiving it, they forthwith recalled their commissioners, and the treaty ended unsuccessfully, having lasted from the beginning of March till the middle of April. This relation I had from one of the commissioners, my cousin-german, who, I am sure, wished well to the King, and desired nothing more than a good peace between the King and his people.—*Memoirs of the Reign of King Charles I. by Sir Richard Bulstrode*, p. 90.

(Q.)

A draught of a Speech concerning Episcopacy, by the Lord Viscount Falkland, found since his death amongst his papers, written with his own hand. Oxford, printed by Leonard Lichfield, printer to the University, 1644.

Mr. Speaker,

Whosoever desires this totall change of our present government, desires it either out of a conceit that it is unlawfull or inconvenient. To both these I shall say something. To the first, being able to make no such arguments to prove it so my selfe as I conceive likely to be made within the walls of so wise a House I can make no answer to them till I heare them from some other; which then (if they perswade me not) by the liberty of a committee I shall doe. But this in generall: in the mean time I shall say, that the ground of this government of Episcopacy being so ancient and so generall, so uncontradicted in the first and best times, that our most laborious antiquaries can find no nation, no city, no church, nor houses

under any other, that our first ecclesiasticall authors tell us that the apostles not only allowed but founded bishops, so that the tradition for some books of Scripture which we receive as canonicall is both lesse ancient, lesse generall, and lesse uncontradicted, I must ask leave to say, that, though the mystery of iniquity began suddenly to worke, yet it did not instantly prevaile; it could not ayme at the end of the race as soon as it was started, nor could Antichristianisme in so short a time have become so Catholique.

To the second, this I say, that in this government there is no inconvenience which might not be sufficiently remedied without destroying the whole; and though we had not paird their nailes, or rather their tongues—I mean the High Commission—though we should neither give them the direction of strict rules, nor the addition of choyce assisters (both which we may doe, and suddenly I hope we shall), yet the feare sunk into them of this Parliament, and the expectation of a trienniall one, would be such bankes to these rivers, that we need feare their inundation no more.

Next I say, that, if some inconvenience did appeare in this, yet, since it may also appeare that the change will breed greater, I desire those who are led to change by inconveniences only that they will suspend their opinions till they see what is to be laid in the other ballance, which I will endeavour.

The inconveniences of the change are double, some that it should be yet done, others that it should be at all done; the first again double, because we have not done what we should doe first, and because others have not done what they should doe first. That which we should doe first, is to agree of a succeeding forme of government, that every man, when he gives his vote to the destruction of this, may be sure that he destroyes not that which he likes better than that which shall succeed it. I conceive that no man will at this time give this vote who doth not believe this government to be the worst that can possibly be devised; and for my part, if this be thus preposterously done,

and we left in this blind uncertainty, what shall become of us? I shall not only doubt all the inconveniences which any government hath, but which any government may have. This I insist on the rather, because, if we should find cause to wish for this back again, we could not have it; the means being disperst, to restore it again would be a miracle in state, like that of the resurrection to nature. That which others should do first is to be gone. For if you will do this, yet, things standing as they do, no great cause appearing for so great a change, I feare a great army may be thought to be the cause, and I therefore desire (to be sure that Newcastle may not be suspected to have any influence upon London) that this may not be done till our brethren be returned to their patrimony.

We are now past the inconveniences in poynt of time; I now proceed, and my first inconvenience of this change is the inconvenience of change it selfe, which is so great an inconvenience, when the change is so great and suddain, that in such cases, when it is not necessary to change, it is necessary not to change. To a person formerly intemperate, I have known the first prescription of an excellent physitian to forbeare too good a diet for a good while. We have lived long happily and gloriously under this form of government; it hath very well agreed with the constitution of our lawes, with the disposition of our people: how any other will doe I the lesse knowe because I know not of any other of which so much as any other monarchy hath had any experience, they all having (as I conceive) at least superintendents for life, and the mere word bishop, I suppose, is no man's aime to destroy, nor no man's aime to defend.

Next, sir, I am of opinion, that most men desire not this change, or else I am certain there hath been very suddenly a great change in men; severall petitions indeed desire it, but, knowing how concerned and how united that party is, how few would be wanting to so good a worke, even those hands which values their number to others, are an argument of their paucity

to me. The numberlesse number of those of a different sense appeare not so publiquely and cry not so loud, being persons more quiet, as secure in the goodnesse of their lawes and the wisdome of their law-makers, and because men petition for what they have not, and not for what they have, perhaps that the bishops may not know how many friends their order hath, least they be incouraged to abuse their authority if they knew it to be so generally approved. Now, sir, though we are trusted by those that sent us, in cases wherein their opinions were unknown, yet truly, if I knew the opinion of the major part of the town, I doubt whether it were the intention of those that trusted me that I should follow my own opinion against theirs; at least let us stay till the next session, and consult more particularly with them about it.

Next, sir, it will be the destruction of many estates in which many who may be very innocent persons are legally vested, and of many persons who undoubtedly are innocent, whose dependencies are upon those estates. The Apostle saith, he that provides not for his family is worse then an infidell: this belongs in some analogy to us; and truly, sir, we provide ill for our family, the common-wealth, if we suffer a considerable part of it to be turned out of doores, so that, for any care is taken by this bill for new dwelling (and I will never consent they shall play an after game for all they have), either we must see them starve in the streets before us, or, to avoid that, must ship them some whether away, like the Moores out of Spaine.

From the hurt of the learned I come to that of learning, and desire you to consider whether, when all considerable maintenance shall be reduced to those which are in order to preaching, the arts and languages, and even eminent skill in controversies, to which great leasure and great means is required, much neglected, and, to the joy and gain of our common adversary, Syntagmes, Postylles, Catechismes, Commentators, and Concordances almost only bought, and the rest of libraries

remain rather as of ornament then as of use. I doe not deny but, for all this want, the wit of some hath been attempted both, and the parts of some few have served to discharge both, and those of *Calvin* to advise about and dispatch more temporall businesse into the bargain then all our Privy Councell. Yet such abilities are extreamly rare, and very few will ever preach twice a Sunday, and be any match for *Bellarmine;* nay, I feare, sir, that this will make us to have fewer able even in preaching it selfe, as it is separated from generall learning, for I feare many, whose parts, friends and meanes, might make them hope for better advancements in other courses, when these shall be taken away from this, will be lesse ready to embrace it; and though it were to be wisht that all men should only undertake those embassages with reference to his honour whose embassadors they are, yet I doubt not but many who have entered into the church by the doore, or rather by the window, have done it after great and sincere service, and better reasons have made them labour in the vineyard then brought them thither at first; and though the meer love of God ought to make us good, though there were no reward or punishment, yet it would be very inconvenient to piety that hope of heaven and fear of hell were taken away.

My next inconvenience, I feare, is this, that if we should take away a government which hath as much testimony of the first antiquity to have been founded by the apostles, as can be brought for some parts of Scripture to have been written by them, least this may avert some of our Church from us, and rivit some of the Roman Church to her; and as I remember, the apostle commands us to be carefull not to give scandall even to those that are without. Sir, it hath been said that we have a better way to know Scripture then by tradition: I dispute not this, sir, but I know that tradition is the only argument to prove Scripture to another, and the first to every man's selfe, being compared to the Samaritan woman's report, which made many first believe in Christ, though they after believed him

for himselfe; and I therefore would not have this so farre weakned to us as to take away Episcopacy as unlawfull, which is so farre by tradition proved to be lawfull.

My next inconvenience that I feare is this: having observed those generally who are against bishops (I will not now speak of such as are among us, who, by being selected from the rest, are to be hoped to be freer than ordinary from vulgar passions) to have somewhat more animosity against those who are for them then *vice versa*, least when they shall have prevailed against the bishops they be so farre enraged against their partakers, and will so have discouraged their adversaries, as in time to induce a necessity upon others, at least of the clergy, to believe them as unlawfull as they themselves doe, and to assent to other of their opinions yet left at large: which will be a way to deprive us, I think, of not our worst, I am sure of our most learned ministers, and to send a greater colonie to *New England* then it hath been said this Bill will recall from thence.

I come now from the inconveniences of taking away this government to the inconveniences of that which shall succeed it: and to this I can speake but by guesse and groping, because I have no light given me what that shall be; onely I hope I shall be excused for shooting at randome, since you will set me up no butt to shoot at. The first I feare the Scotch government will either presently be taken; or, if any other succeed for a while, yet the unity and industry of those of that opinion in this nation, assisted by the counsell and friendship of that, will shortly bring it in, if any lesse opposite government to it be here placed then that of Episcopacy. And indeed, sir, since any other government than theirs will by no means give any satisfaction to their desire of uniformity, since all they who see not the dishonour and ill consequences of it will be unwilling to deny their brethren what they esteeme indifferent, since our owne government being destroyed we shall in all likelyhood be aptest to receive that which is both

next at hand and ready made: For thes reasons I look upon it as probable; and for the following ones, as inconvenient.

When some bishops pretended to *jure divino* (though nothing so likely to be believed by the people as these would be, nor consequently to hurt us by that pretence), this was cry'd out upon as destructive to his Majesties supremacy, who was to be confessed to be the fountaine of jurisdiction in this kingdome. Yet to *jure divino* that ecclesiasticall government pretends, to meet when they please, to treat of what they please, to excommunicate whom they please, even Parliaments themselves; so farre are they from receiving either rules or punishments from them. And for us to bring in any unlimited, any independent authority, the first is against the liberty of the Subject, the second against the right and priviledge of Parliament, and both against the Protestation.

If it be said, that this unlimitednesse and independence is onely in spirituall things, I first answer, that, arbitrary government being the worst of governments, and our bodies being worse than our soules, it will be strange to set up that over the second, of which we were so impatient over the first. Secondly, that *M. Sollicitor*, speaking about the power of the clergy to make canons to bind, did excellently informe us what a mighty influence spirituall power hath upon temporall affaires, so that, if our clergy had the one, they had inclusively almost all the other. And to this I may adde, what all men may see, the vast temporall power of the Pope, allowed him by such who allow it him only *in ordine ad spiritualia*: for the fable will tell you, if you make the lyon judge (and the clergy assisted by the people is lyon enough), it was a wise feare of the foxes, least he might call a knubbe a horne. And sure, sir, they will in this case be judges, not only of that which is spirituall, but of what it is that is so: and the people, receiving instruction from no other, will take the most temporall matter to be spirituall, if they tell them it is so.

(R.)

An Eclogue on the Death of Ben Jonson, between Melybœus and Hylas. By LORD FALKLAND.

Hylas, the cleare day boasts a glorious sunne,
Our troop is ready and our time is come:
That fox who hath so long our lambs destroi'd,
And daily in his prosperous rapin joy'd,
Is earth'd not farre from hence, old Ægen's sonne,
Rough Corilas, and lusty Corydon,
In part the sport in past revenge desire,
And both thy tarrier and thy aid require.
Haste, for by this, but that for thee wee staid,
The prey-devourer had our prey bin made.
Hyl. Oh! Melibæus, now I list not hunt,
Nor have that vigor as before I wont;
My presence will afford them no reliefe,
That beast I strive to chase is only griefe.
Mel. What meane thy folded armes, thy down-cast eyes
Teares which so fast descend, and sighs which rise?
What meane thy words which so distracted fall,
As all thy joyes had now one funerall?
Cause for such griefe can our retirements yield?
That followes courts, but stoopes not to the field.
Hath thy sterne step-dame to thy sire reveall'd
Some youthful act which thou could'st wish concealed?
Part of thy heard hath some close thiefe convey'd
From open pastures to a darker shade?
Part of thy flocke hath some fierce torrent drown'd?
Thy harvest fail'd? or Amarillis frown'd?
Hyl. Nor love, nor anger, accident nor thiefe,
Hath rais'd the waves of my unbounded griefe:
To cure this cause I would provoke the ire
Of my fierce step-dame, or severer sire,

Give all my heards, fields, flocks, and all the grace
That ever shone in Amarillis face.
Alas, that Bard, that glorious Bard is dead,
Who, when I whilome cities visited,
Hath made them seeme but houres which were full dayes,
Whilst he vouchsaft me his harmonious layes;
And when he lived, I thought the country then
A torture, and no mansion, but a den.
Mel. Johnson you meane, unlesse I much doe erre,
I know the person by the character.
Hyl. You guesse aright, it is too truely so,
From no lesse spring could all the rivers flow.
Mel. Ah! Hylas, then thy griefe I cannot call
A passion, when the ground is rationall.
I now excuse thy teares and sighs, though those
To deluges, and these to tempests rose;
Her great instructor gone, I know the age
No lesse laments than doth the widdow'd stage,
And onely vice and folly now are glad,
Our gods are troubled and our prince is sad;
He chiefly who bestowes light, health, and art,
Feeles this sharpe griefe pierce his immortall heart;
He his neglected lire away hath throwne,
And wept a larger, nobler Helicon,
To finde his hearbs, which to his wish prevaile,
For the lesse lov'd, should his owne favorite faile:
So moan'd himselfe when Daphne he ador'd,
That arts relieving al should faile their lord.
Hyl. But say from whence in thee this knowledge springs
Of what his favour was with gods and kings.
Mel. Dorus, who long had known books, men, and townes,
At last the honour of our woods and downes,
Had often heard his songs, was often fir'd,
With their inchanting power, ere he retir'd,

And ere himselfe to our still groves he brought,
To meditate on what his muse had taught:
Here all his joy was to revolve alone
All that her musicke to his soule had showne,
Or in all meetings to divert the streame
Of our discourse, and make his friend his theame,
And, praising works which that rare loome hath weav'd,
Impart that pleasure which he had receav'd:
So in sweet notes (which did all tunes excell,
But what he prais'd) I oft have heard him tell
Of his rare pen what was the use and price,
The bayes of vertue and the scourge of vice;
How the rich ignorant he valued least,
Nor for the trappings would esteeme the beast;
But did our youth to noble actions raise,
Hoping the meed of his immortall praise:
How bright and soone his muses morning shone,
Her noone how lasting, and her evening none:
How speech exceeds not dumbnesse, nor verse prose,
More then his verse the low rough rimes of those
(For such his seene they seem'd) who highest rear'd,
Possest Parnassus ere his power appear'd:
Nor shall another pen his fame dissolve,
Till we this doubtfull probleme can resolve,
Which in his workes we most transcendent see,
Wit, Judgement, Learning, Art, or Industry,
Which till is never, so all jointly flow,
And each doth to an equall torrent grow:
His learning such, no author, old nor new,
Escapt his reading that deserv'd his view,
Aud such his judgement, so exact his test,
Of what was best in bookes, as what bookes best,
That, had he joined those notes his labours tooke
From each most prais'd and praise-deserving booke,

And could the world of that choise treasure boast,
It need not care though all the rest were lost:
And such his wit, he writ past what he quotes,
And his productions farre exceed his notes:
So in his workes where ought inserted growes,
The noblest of the plants engrafted showes,
That his adopted children equall not
The generous issue his owne braine begot:
So great his art, that much which he did write
Gave the wise wonder, and the crowd delight.
Each sort as well as sex admir'd his wit,
The hees and shees, the boxes and the pit;
And who lesse lik't within did rather chuse
To taxe their judgements then suspect his muse:
How no spectator his chaste stage could call
The cause of any crime of his, but all
With thoughts and wils purg'd and amended rise
From th' ethicke lectures of his comedies,
Where the spectators act, and the sham'd age
Blushes to meet her follies on the stage;
Where each man finds some light he never sought,
And leaves behind some vanitie he brought,
Whose politicks no lesse the minds direct,
Then these the manners, nor with lesse effect:
When his majesticke tragedies relate
All the disorders of a tottering state,
All the distempers which on kingdomes fall,
When ease, and wealth, and vice are generall,
And yet the minds against all feare assure,
And telling the disease, prescribe the cure:
Where, as he tels what subtle wayes, what friends
(Seeking their wicked and their wisht for ends),
Ambitious and luxurious persons prove,
Whom vast desires, or mighty wants doth move,

The generall frame to sap and undermine,
In proud Sejanus and bold Cateline;
So in his vigilant prince and consuls parts
He shewes the wiser and the nobler arts,
By which a state may be unhurt, upheld,
And all those workes destroyed which hell would build,
Who (not like those who with small praise had writ,
Had they not cal'd in judgement to their wit)
Us'd not a tutoring hand his to direct,
But was sole workeman and sole architect:
And sure by what my friend did daily tell,
If he but acted his owne part as well
As he writ those of others, he may boast
The happy fields hold not a happier ghost.

Hyl. Strangers will thinke this strange, yet he (deare youth),
Where most he past beleefe, fell short of truth:
Say on what more he said; this gives reliefe,
And, though it raise my cause, it bates my griefe,
Since Fates decreed him now no longer liv'd,
I joy to heare him by thy friend reviv'd.

Mel. More he would say, and better (but I spoile
His smoother words with my unpolisht stile);
And having told what pitch his worth attain'd,
He then would tell us what reward it gain'd:
How in an ignorant and learn'd age he swaid
(Of which the first he found, the second made);
How he, when he could know it, reapt his fame,
And long outliv'd the envy of his name;
To him how daily flockt, what reverence gave,
All that had wit, or would be thought to have,
Or hope to gaine, and in so large a store,
That to his ashes they can pay no more,
Except those few who, censuring, thought not so,
But aim'd at glory from so great a foe:

How the wise too did with meere wits agree,
As Pembroke, Portland, and grave Aubigny;
Nor thought the rigidst senator a shame
To contribute to so deserv'd a fame:
How great Eliza, the retreate of those,
Who weake and injured her protection chose,
Her subjects joy, the strength of her allies,
The feare and wonder of her enemies,
With her judicious favours did infuse
Courage and strength into his younger muse:
How learned James, whose praise no end shall finde
(But still enjoy a fame pure like his mind),
Who favour'd quiet, and the arts of peace
(Which in his halcion dayes found large encrease),
Friend to the humblest if deserving swaine,
Who was himselfe a part of Phœbus traine,
Declar'd great Johnson worthiest to receive
The garland which the Muses hands did weave,
And though his bounty did sustaine his dayes,
Gave a more welcome pension in his praise;
How mighty Charles, amidst that weighty care
In which three kingdomes as their blessing share,
Whom as it tends with ever watchfull eyes,
That neither power may force, nor art surprise,
So bounded by no shore, graspes all the maine,
And farre as Neptune claimes extends his reigne,
Found still some time to heare and to admire
The happy sounds of his harmonious lire,
And oft hath left his bright exalted throne,
And to his Muses feet combin'd his owne:
As did his Queene, whose person so disclos'd
A brighter nymph then any part impos'd,
When she did joyne, by an harmonious choise,
Her gracefull motions to his powerfull voice;

How above all the rest was Phœbus fir'd
With love of arts, which he himselfe inspir'd,
Nor oftener by his light our sence was cheer'd
Then he in person to his sight appear'd,
Nor did he write a line but to supply
With sacred flame the radiant god was by.

Hyl. Though none I ever heard this last rehearse,
I saw as much when I did see his verse.

Mel. Since he, when living, could such honors have,
What now will piety pay to his grave?
Shall of the rich (whose lives were low and vile,
And scarce deserv'd a grave, much lesse a pile)
The monuments possesse an ample roome,
And such a wonder lye without a tombe?
Raise thou him one in verse, and there relate
His worth, thy griefe, and our deplored state;
His great perfections, our great losse, recite,
And let them meerely weepe who cannot write.

Hyl. I like thy saying, but oppose thy choise;
So great a taske as this requires a voice
Which must be heard, and listened to, by all,
And Fame's owne trumpet but appeares too small:
Then for my slender reede to sound his name,
Would more my folly than his praise proclaime;
And when you wish my weaknesse sing his worth,
You charge a mouse to bring a mountain forth:
I am by Nature form'd, by woes made dull,
My head is emptier then my heart is full;
Griefe doth my braine impaire, as teares supply,
Which makes my face so moist, my pen so dry:
Nor should this work proceed from woods and downes,
But from the academies, courts, and townes;
Let Digby, Carew, Killigrew, and Maine,
Godolphin, Waller, that inspired traine,

Or whose rare pen beside deserves the grace,
Or of an equall or a neighbouring place,
Answer thy wish, for none so fit appeares
To raise his tombe, as who are left his heires:
Yet for this cause no labour need be spent,
Writing his workes he built his monument.
Mel. If to obey in this thy pen be loth,
It will not seeme thy weaknesse, but thy sloth:
Our townes prest by our foes invading might,
Our ancient Druids and young virgins fight,
Employing feeble limbes to the best use;
So, Johnson dead, no pen should plead excuse:
For eligies, howle all who cannot sing,
For tombes bring turfe, who cannot marble bring;
Let all their forces mix, joyne verse to rime,
To save his fame from that invader, Time;
Whose power though his alone may well restraine,
Yet to so wisht an end no care is vaine;
And time, like what our brookes act in our sight,
Oft sinkes the weightie, and upholds the light;
Besides, to this thy paines I strive to move
Less to expresse his glory then thy love.
Not long before his death, our woods he meant
To visit and descend from Thames to Trent,
Meete with thy elegy his pastorall,
And rise as much as he vouchsaft to fall:
Suppose it chance no other pen doe joine
In this attempt, and the whole worke be thine,
When the fierce fire the rash boy kindled raign'd,
The whole world suffer'd, Earth alone complain'd:
Suppose that many more intend the same,
More taught by art, and better knowne to fame,
To that great deluge which so farre destroid,
The Earth her springs, as Heaven his showrs emploid;

So may who highest markes of honour weares,
Admit meane partners in this flood of teares;
So oft the humblest joine with loftiest things,
Nor only princess weep the fate of kings.
Hyl. I yeeld, I yeeld, thy words my thoughts have fir'd,
And I am lesse perswaded then inspir'd;
Speech shall give sorrow vent, and that releefe,
The woods shall echo all the citties griefe;
I oft have verse on meaner subjects made;
Should I give presents and leave debts unpaid?
Want of invention here is no excuse,
My matter I shall find, and not produce,
And (as it fares in crowds) I onely doubt,
So much would passe, that nothing will get out,
Else in this worke which now my thoughts intend
I shall find nothing hard, but how to end:
I then but aske fit time to smooth my layes
(And imitate in this the pen I praise),
Which by the subjects power embalm'd may last
Whilst the sun light, the earth doth shadowes cast,
And feather'd by those wings fly among men,
Farre as the fame of poetry and Ben.[1]

FALKLAND.

(S.)

An Elegy on Dr. Donne. By SIR LUCIUS CARIE.

Poets, attend the elegy I sing
Both of a doubly-named priest and king:
In stead of coates and pennons, bring your verse,
For you must be chiefe mourners at his hearse.

[1] *Vide* 'Jonsonus Virbius, or the Memorie of Ben Johnson,' published 1638, being "six months since the most learned and judicious poet, Ben Johnson, became a subject "for these elegies."

A tombe your Muse must to his fame supply,
No other monuments can never die:
And as he was a twofold priest, in youth
Apollo's, afterwards the voiçe of Truth,
God's conduit-pipe for grace, who chose him for
His extraordinary ambassador,
So let his liegiers with the poets joyne,
Both having shares, both must in griefe combine:
Whil'st Johnson forceth with his Elegie
Teares from a griefe-unknowing Scythians eye
(Like Moses, at whose stroke the waters gusht
From forth the rock, and like a torrent rusht).
Let Lawd his funerall sermon preach, and shew
Those vertues dull eyes were not apt to know,
Nor leave that piercing theme, till it appeares
To be Good Friday, by the Church's teares;
Yet make not griefe too long oppresse our powers,
Least that his funerall sermon should prove ours;
Nor let forget that heavenly eloquence,
With which he did the bread of life dispense.
Preacher and orator discharg'd both parts,
With pleasure for our sense, health for our hearts.
And the first such (though a long-studied art
Tell us our soule is all in every part),
None was so marble, but whil'st him he heares
His soule so long dwelt only in his eares,
And from thence (with the fiercenesse of a flood
Bearing downe vice) victual'd with that blest food
Their hearts; his seed in none could faile to grow;
Fertile he found them all, or made them so:
No druggist of the soule bestow'd on all
So catholiquely a curing cordiall.
Nor only in the pulpit dwelt his store,
His words work'd much, but his example more,

That preach't on worky dayes.* His poetrie
In selfe was oftentimes divinity,
Those anthemes (almost second Psalmes) he writ
To make us know the Cross, and value it
(Although we owe that reverence to that name,
Wee should not need warmth from an under flame),
Creates a fire in us so neare extreme,
That we would die for and upon this theme.
Next, his so pious Litany, which none can
But count divine, except a Puritan.
And that, but for the name, nor this, nor those,
Want any thing of sermons but the prose.
Experience makes us see that many a one
Owes to his country his religion,
And in another would as strongly grow,
Had but his nurse and mother taught him so,
Not he the ballast on his judgement hung;
Nor did his preconceit doe either wrong;
He labour'd to exclude whatever sinne
By time or carelessnesse had entered in;
Winnow'd the chaffe from wheat, but yet was loath
A too hot zeal should force him burn them both;
Nor would allow of that so ignorant gall,
Which to save blotting often would blot all;
Nor did those barbarous opinions owne,
To thinke the organs sinne, and faction none;
Nor was there expectation to gain grace
From forth his sermons only, but his face;
So primitive a looke, such gravitie
With humblenesse, and both with pietie;
So mild was Moses countenance when he prai'd
For them whose Satanisme his power gainsaid;
And such his gravitie when all God's band
Receiv'd his word (through him) at second hand,

Which joyn'd did flames of more devotion move
Than ever Argive Helens could of love.
Now to conclude, I must my reason bring,
Wherefore I call'd him in his title king.
That kingdome the philosophers believed
To excel Alexander's, nor were griev'd
By feare of losse (that being such a prey
No stronger then ones self can force away),
The kingdom of ones self, this he enjoy'd,
And his authoritie so well employ'd,
That never any could before become
So great a monarch in so small a roome;
He conquer'd rebell passions, rul'd them so,
Asunder spheares by the first mover goe,
Banish'd so far their working that we can
But know he had some, for we knew him man.
Then let his last excuse his first extremes,
His age saw visions, though his youth dream'd dreams.

(T.)

The following letter from Mr. Patrick Carey, appealing to Sir Edward Hyde for assistance, throws some light upon the history of his conversion and subsequent life:—

The Honourable Mr. Patrick Carey to Sir Edward Hyde.

My Lord,

Had my sisters been the only reporters of your Lordship's propension towards our family, I should not have so far relied upon it, but thought that they, loving it themselves desired that persons of your quality should do so too, and easily believed their desires. But besides them, my Lord, all else (who had the happiness of knowing you) assured me that

you were so noble as not only to conserve fresh the memory of my brother Falkland, but also to extend your affection and favour to those who had any relation unto him; a thing becoming much your generosity, and answering to the rareness of your other qualities. This relation given me by many, contradicted by none, made me blush less in my becoming a trouble unto your Lordship, and assured me that I should either be quickly favoured or suddenly denied: two things, my Lord, that equally would oblige me, I being now in a state to prefer almost a despatching no before a lingering grant. I have been brought up in a tedious Court, and inured to patience; it is no therefore out of want of it that I am so hasty; but (were I never so willing) I cannot attend my fortune more than some three, or, when most, four months. All temporal good luck after that time will come too late to be enjoyed by me. My sister's letter will, I believe, in some part, let you see my pretensions; but that you may look them through, I will tell you my story, and beg your pardon for my tediousness. I do thus to make myself less a stranger to you, to entertain you with a kind of romance, and that out of it you may gather what kind of employment I am fittest for (if for any), and what kind of favour to ask there for me. Being made, in secret, of my mother's religion (for I knew no other distinction then between the Catholick and Protestant one, but that my mother was of that, my father of this), that I might continue in it, and be taught what it was, I was stolen into France, and, after a stay there of three years, transported into Italy, where I lived twelve. My brother took my flight in such ill part, that never after did I hear from him, though Mr. Cressy says that before his death he had some intentions of using me better. My very nothing of portion he detained in his hands, and left me to a strange likelihood of starving. Whilst the Queen had wherewithal, I had a small but sufficient pension underhand from her Majesty; afterwards I was better provided by the last

Pope, who, upon her Majesty's recommendation, conferred upon me an abbey and a priory in commendam; and besides, some pensions on other benefices, wherewith I subsisted well, and from the pity became the wish of many English travellers, as one that was disengaged from those tumults, and had a being besides better hopes. Cardinal Barberini had assured me of his efficacious favour, and I began to feel that he was in earnest, when the wars with Parma broke out, which so took up his thoughts, that in time of vacancies I was forgot, and military officers' kindred remembered only. The peace killed the Pope; and his successor, seeking to be contrary to him in all things, began to show an aversion from strangers. In his reign, first, I lost a pension of above forty pounds a-year, paid me by Cardinal Barberini (who was then in persecution, and I thought it unworthy to exact ought from him who had given me all); then an inundation in Sicily spoiled my priory so, that, as fruitless, I made it away. Then a canon died in Cambray, who paid me a pension of 25*l.* yearly; and since that time (the space of upon five years) I have received nothing; and now am at law with his successor, in great likelihood of losing my suit. Lastly, the wars broke out in Naples, and such havock was made of my abbey, that in great despair I renounced it; where 300 banditti had made their nest, not only in the troubles, but almost ever since. From this Pope all the while I had extraordinary fair words; but seeing he meant only to talk, I writ to Court, to crave leave to come away; for having been placed there by her Majesty, I held it my duty not to quit the place without her licence. Sir John Winter, in her name, answered to two instances that I made that I should stay still, assuring me that, if ever the times were better, with the first I should prove her Majesty gracious; and that this Pope was not immortal; yet, that I might depart when I could subsist there no more. This too she was pleased to make known unto me by Sir Kenelm Digby. In compliance to this order, I ran out

both in purse and credit; then, seeing no hopes of good by my stay, I thought it best to return. I had many designs. In my father's time the office of Secretary to the Crown in Ireland had been given me. The Queen had promised to recommend me earnestly to my Lord of Ormond; and Catholicks were now by the articles of peace made capable of bearing offices in that kingdom. I hoped to get my right by favour, but at Paris heard of the Marquis's and my hopes' defeat. I had a great desire then to have kissed their Majesties and your hands; but the failing of a merchant forced me to pass over into England immediately. There I received the remnant of my little due; and, fearful of the least charge I might bring on my friends, one hour after they had despatched me I left London and came hither. Here I desired to take some employment whereby to make a subsistence of my stock, though in a way of life extremely new to me, who had been bred up in the schools, and in a long robe. But first I thought to have got the arrearages of my pension, and it extinguished; which in all would have come to 350*l.* more than I had already. But that business is not yet ended; and my monies brought to a sufficiency only for the months I named. Into the Archduke's family I had thoughts of putting myself, but servants there receive no pay. Employment from the King is to be had, not at his but one's own expenses; and I want means. A friend in Rome labours hard to get me a canonry, now vacant, of 200*l.* a-year, whereby I might live, and yet not be obliged to take orders (a thing I am less willing to do since my poor nephew Falkland's death) or to bind myself. But if he obtain it not, I cannot expect for a second trial unless I gain my process, a thing most unlikely. Now, my Lord, casting about where I might find a helper, I began to hope that by reason of your Lordship's present employment I might have some succour from that Court, at least by an express effectual order from thence to be provided for by the Ministers of State here; or an

hot recommendation to the less powerful Archduke. If your Lordship gets it not very earnest and suddenly, I believe it will find me incapable to make use of it and reap the benefit. I have a last refuge (perchance the happiest), but I dare not recur unto it till I have tried all other ways, for I distrust my own forces; if though I settle on it, I shall not need other assistance from any than that of prayers. Thus, my Lord, most ingenuously have I opened my mind and designs, confiding in the friendship which passed betwixt yourself and my poor brother. The sum of my desires is, that, if you can suddenly, you be pleased to interpose your authority in that Court for my good, in that manner you shall think most convenient and likeliest to succeed; and if you conceive not ready hopes, to put me out of mine. If I obtain ought I shall most willingly employ it [in] your service; if nothing, I shall thank you in my prayers, the only thing I then shall have left me to exercise my office in; for, my Lord, I am

Your Lordship's

Most devoted faithful servant,

J. Patrick Carey.

Brussels, the 18th March, 1650.

—*State Papers*, vol. ii. pp. 535-539.

Sir Edward Hyde to the Honourable Mr. Patrick Carey.

Sir,

Your's of the 18th of the last month came not to my hands 'till about the 18th of this; nor hath it been possible for me to return an answer sooner to you, this Court taking less care to maintain quick correspondence with the other parts of the world, than I think any other place doth that is near so much concerned in that kind of traffick.

Amongst my many faults and infirmities, you will not, I presume, hear dissembling, or speaking otherwise than I think, laid to my charge; and therefore you may very justly believe me when I tell you that, since the unspeakable loss of your excel-

lent brother, I have rarely felt so great a pleasure as the first sight of your name to a letter gave me. And you will not wonder that many parts of it, besides the kindness throughout to me, presented to the life that conversation to me I was once more blessed with than most other men. When I had the honour to see your sisters at Cambray, I carried great joy with me into France, with the confidence I should possess you there; and you will pardon me if I protest to you, that when I heard you were gone from Paris, and had left me no possibility of finding you, the affliction was so great, that I improved it by thinking you unkind to me; flattering myself (as men who have received great obligations are apt to create new titles to favours) that I had some right and claim to your kindness. And I had this excuse for my passion, that I had some reason to believe that it might have proved of some use to you to have received some advertisements from me, before your going into England, concerning your own fortune, to which I was not an absolute stranger, knowing as much of your brother's heart as any man. And you cannot doubt a person of that incomparable virtue, who would not have done an unjust thing to have procured the peace of his country, which he desired with the greatest passion imaginable, would have proved an unkind brother. I know his purposes were very contrary; and though he had been much afflicted with your leaving him (which yet he imputed to others, not to your own inclination at that time), yet he was comforted in your being still in a condition capable of his care; and if he had lived, you had heard from him very effectually.

If I do not find myself like to do you service, which I do desire equally with any good fortune that can befall me, and flatter myself with some hope that I may live to do it, be confident I shall not detain you with any vain expectations; though I am not willing to be concluded by what I shall now say upon so short thoughts in a business I am so exceedingly concerned [in]; but do desire you to expect a second

letter from me, which I presume may come to your hands before your time prefixed be expired. When I have informed you that this Court in glory and splendour is not answerable to the fame it hath; that the complaints, murmurings, and real want of money, is not inferior to any I have known, whilst the face of a Court was preserved; that there is a multitude of pretenders to recompence for great services done, and none sent away satisfied; that there is an universal stop of all pensions which have been granted formerly, so that they who have those grants have only liberty to complain, and to spend their time in a fruitless solicitation; that all the letters from Flanders contain nothing but importunity for monies, and those from hence excuses for not sending any; and lastly, that the delay in despatches of all kinds in this Court is so intolerable that no spirit can submit to it; you will not think my value of you the less, in that I do not give you encouragement to expect any supply from this Crown by pension, or anything of that nature, at least from so inconsiderable interposition as mine would prove; for though I find more civilities here than could be confidently presumed, from the ill condition of the master I serve, and the strength and power of his enemies, I cannot pretend to any notable interest. Yet, after all this, I must beseech you for some time to suspend the engaging yourself in any such course from which you cannot retire, and to which you may submit when you please.

* * * * * *

I beseech you send me word what inclination you have to spend a little more time in the Court of Rome, and what will support that inclination; and truly, if I cannot make myself of any use to you, I shall the less value any good fortune that can be reserved for me, which shall be always as much at your disposal as it can be at the disposal of,

Sir,

Your most affectionate

Madrid, 26th April, 1650. And most humble servant.

P.S.—Though I know you need no recommendation to his Majesty, or to any about him, the King himself retaining a very kind memory of your brother, yet I have writ to Mr. Secretary Nicholas, who is a very honest worthy man, to do you all service, which I know he will do with great affection.—*Clarendon State Papers*, vol. ii. pp. 535-7.

To these letters is appended the following note:—"It appears by subsequent letters between the Chan. and Mr. P. Carey, not thought necessary to be published, that he afterwards took the habit of Douay, which he threw off within the year, his constitution not being able to bear the kind of diet which the rules enjoined. He then went to England in hopes of obtaining a pension from his relations there, who were most of them in good circumstances. Being disappointed of this also, he desired Sir E. Hyde's interest to procure him some military post in the Spanish service. His friend earnestly dissuades him by very good arguments from this, and advises him to lie by a little while in expectation of some favourable change. After this it does not appear what became of him."

Evelyn mentions [vol. i. p. 156] having visited the English College at Douay, where, he says, he was recommended "to Mr. "Patrick Carey, an abbot, brother to our learned Lord Falkland, "a witty young priest, who afterwards came over to our "Church."

THE

LIFE OF ARTHUR LORD CAPELL.

"These were the chief; a small but faithful band
Of worthies, in the breach who dared to stand,
And tempt the united fury of the land.
With grief they view'd such powerful engines bent,
To batter down the lawful government."

DRYDEN, *Absalom and Achitophel.*

"Unqualified and unsuspected praise may also be given to some others who followed in his [Lord Falkland's] course: high-minded and steady friends of liberty, who yet, to use the metaphor of one of them, 'had they seen the crown of England on a hedge-stake,' would have remained with it to the death to defend it. Among these we may fairly class Lord Hertford, Lord Dunsmore, Lord Capel, Lord Paget, and Sir Ralph Hopton."—Lord NUGENT'S *Memorials of Hampden*, vol. ii. p. 188.

LIFE OF LORD CAPELL.

CHAPTER I.

Birth and Parentage of Arthur Capell — He loses his Parents at an early age — His Grandfather's objections to his travelling Abroad — His Marriage — Death of his Grandfather — He represents the County of Herts in the Parliament of 1640 — He is again elected for Herts in the Long Parliament — His Parliamentary conduct — He is made a Peer—probably by Purchase.

ARTHUR, first Lord Capell, was the son of Sir Henry Capell, and of Theodosia, daughter of Sir Henry Montagu, of Boughton.[1] Sir Henry was the son of Sir Arthur Capell, and of Margaret, daughter of John Lord Grey, of Pirgo, and was the eldest of twenty children, eleven sons and nine daughters. Sir Henry Capell was married on the 21st of August, 1600, to his first wife Theodosia,[2] and by this marriage he had two sons and three daughters.[3] Their eldest son, Arthur, was born 20th February, 1603.[4] On the 14th January, 1615 (five days after the baptism of her youngest son), Lady Capell died.[5] Sir Henry married a second time,

[1] Sister to Edward Lord Montagu and Henry Earl of Manchester.
[2] Parish Register of Wechley, in which parish Boughton is situated.
[3] Clutterbuck's 'Hist. of Herts,' vol. i. p. 244.
[4] Parish Register of Hadham, Herts.
[5] Clutterbuck's 'Hist. of Herts,' vol. i. p. 244.

to Dorothy, widow of Thomas Hoskyns, and died in May, 1622.[1]

Arthur Capell was thus early bereaved of both his parents, and at the age of nineteen the guardianship of him devolved upon his grandfather, who is said to have superintended the remainder of his education. There is no authentic account of his having been at any place of public education, either school or college;[2] and it seems that his grandfather's strong national prepossessions led him to object to his travelling abroad. It was much the custom at this time for the young nobility to travel on the Continent as a part of their education; Sir Arthur Capell's objections must therefore have appeared as little reasonable then as they would do now. The paper containing his opinions is headed, "Reasons against the travellinge of my grand-"chylde, Arthur Capell, into the parts beyond the sea.

"Imprimis, His callinge is to be a countery gentill-"man, wherein there is lyttell or no use of foreane "experience.

"2 Item. If God visitt him w^h^ sickn̄es he shall "not have those helpes abroade that he shall have "at home in his owen countery. And there lyethe "a greate penalty upon his deathe; for his brother "is so younge, as in all probabylyty he is like to be a

[1] By this marriage he had one son, who died an infant, and three daughters—Grace and Mary, ob. s. p.—and Anne, who married Thomas Westrow, of Twickenham, Esq. *Vide* ibid.

[2] Lodge, in his 'Illustrations of Historical Portraits,' speaks of Lord Capell having been sent to Clare College, Cambridge. The books of the College at this period are unfortunately lost, and there is no proof to be found of his having been there.

"warde, w^ch will be a greate hindrance unto the family, "boathe by the impoveryshinge the estate of the next "heyer, and by the ill p'viding for the younger chil- "dren, his sisters, both for their educatyons and hopes "for their preferments in maryage.

"3 Item. His tyme maye be better spent at home "than abroade, in regard that he maye study the lawes "of the relme, maye be made acquaynted w^h his "estate in his grandfather's lyfetime, whereby he shal "be better able to governe it after. Allso, if he will "applye himselfe, he maye be a good staye and helpe "to his owlde and weak grandfather, whereby many of "the name and family, as yet but in meane estate, "maye be the better provided for.

"4 Item. It is to be feared that thoroughe the "wycked prests and Jesuites in those forane partes he "maye be perverted to the idolatrous Romane rely- "gion; and if it be aunswered that he is so well "grounded in trewe relygyon allready that there is no "fear thereof, it maye be replyed agayne that he is "very younge, and they subtyle and industrious; and "that it is a safer waye by abstaynynge from travell to "avoyde the meanes, then for a man to thrust himself "into the peryll w^howt any necessary occasyon."[1]

It may be presumed that Sir Arthur Capell's wishes respecting his grandson were complied with; but, considering the active part subsequently taken by the younger Arthur, first as a reformer, and afterwards as a devoted loyalist, it is to be regretted that no details,

[1] Clutterbuck's 'Hist. of Herts,' from a MS. lent to him by the late George Earl of Essex.

either of his education or of his early private life, should have been handed down, that might serve as a key to the principles from which first sprang his opinions and his actions.

In November, 1626, Arthur Capell was married to Elizabeth Morrison, daughter and heir of Sir Charles Morrison, of Cassiobury, and of Mary, daughter and co-heir of Baptiste Hickes Viscount Campden.[1] His grandfather, Sir Arthur, seems to have been much noted for the great hospitality he displayed at his country seat, Hadham Hall, Herts, and for his liberality and kindness to the poor around him. "He was a "gentleman of a great estate, one who followed the old "mode of our nation; kept a bountiful house, and "showed forth his faith by his works; extending his "charity in such abundant manner to the poor, that "he was bread to the hungry, drink to the thirsty, "eyes to the blind, and legs to the lame, and might "be justly styled a great almoner to the King of "kings."[2]

[1] Parish Register of Watford.

[2] *Vide* 'Some Account of the Life of the pious and virtuous Arthur Lord Capell, Baron of Hadham,' prefixed to 'The excellent Contemplations, divine and moral, by Arthur Lord Capell,' published first in 1654, reprinted in 1683.

This description of Sir A. Capell's habits and hospitality seems to fulfil the poetical notion of an old English country gentleman given in a song preserved in Percy's 'Reliques,' published 1660, entitled 'The Old and Young Courtier:'—

"An old song made by an aged old pate
Of an old worshipful gentleman who had a great estate,
That kept a brave old house at a bountiful rate,
And an old porter to relieve the poor at his gate;
Like an old courtier of the Queen's
And the Queen's old courtier.

"With

In the year 1632 Sir Arthur Capell died;[1] his grandson succeeded to the estates, and seems to have in no way lost the popularity which such munificent hospitality and extensive charity had attached to the name.[2]

"With an old study fill'd full of learned old books;
With an old reverend chaplain, you might know him by his looks;
With an old butterÿ-hatch worn quite off the hooks,
And an old kitchen that maintain'd half a dozen old cooks.

"With a good old fashion, when Christmas was come,
To call in all his old neighbours with bagpipe and drum,
With good cheer enough to furnish every old room,
And old liquor able to make a cat speak and man dumb."

This song has been changed in modern times to 'The Good Old English Gentleman.'

[1] Parish Register of Little Hadham, Herts: he was buried April 11th, 1632.

[2] A very shocking event appears to have taken place near Hadham in the year 1636, and is thus related in a letter from London, Sir Arthur Capell must have been the uncle to "young Mr. Capell," to whom Hadham belonged:—

"London, May 4, 1636.

. . . "Sunday the news came to court that Sir Arthur Capell had "slain Sir Thomas Lenthropp in a duel at Hadham (young Mr. Capell's), "in Hertfordshire; a couple of very honest, fair-conditioned men, and "old friends in a very strict manner, the business they fell out upon being "of no consideration. Sir Thomas Lenthropp said Sir Arthur Capell told "him my Lord Howard was not pleased that he, my Lord of Dover, "Mr. Capell, and many country gentlemen besides, came to hawk upon "grounds which were in his Lordship's liberty, he being there; and that "they neither came to him nor sent to him, as if my Lord Howard had "not been considerable; and this was a good while since. Sir Arthur "Capell had forgot he told Sir Thomas Lenthropp so much; 'but,' saith "he, 'if I had told you so much, must you, therefore, make me the "author?' They were made friends; but Sir Thomas Lenthropp, two or "three hours after, pressed hard upon Sir Arthur Capell to fight, that he "could not avoid it. So, to the next close they went, where Sir Arthur "Capell, at the second pass, ran him through the heart. All cry shame "of the company that did not presently reconcile this difference."—Letter from Mr. E. R. to Sir Thomas Puckering. *Vide* 'The Court and Times of Charles I.,' vol. ii. p. 248.

He was beloved and respected in his county, and on the calling together of Parliament in April, 1640, he was chosen one of the representatives for Hertfordshire. During the session of that short-lived Parliament his name appears in the journals on one or two Committees. He was again elected in the following November member for the county of Herts, and his conduct in the outset of his public life showed that he was influenced by that deep sense of existing grievances, which certainly the warmest and the wisest of the friends to monarchy had most reason to fear and to deplore. Whilst to Hampden's name justly belongs the glory of being identified with the resistance to an illegal tax; whilst the first step to Falkland's parliamentary fame was his speech on the subject of ship-money; to Arthur Capell is due the honour of being "the first member "that stood up at this time to represent the grievances "of his country."[1]

On the 5th of December he presented a petition in the names "of the inhabitants in and about the town "of Watford, in the county of Herts,[2] setting forth the "burden and oppressions of the people, during the "long intermission of Parliament, in their consciences, "liberties, and properties, and particularly in the heavy "tax of ship-money."[3] Of his speech there is no report, but the presentation of the petition produced "a debate on that matter which had so long filled the "nation with clamour as a most capital grievance,"[4]

[1] Rushworth, vol. iv. p. 21.
[2] Commons' Journals, Dec. 5, 1640, vol. ii. p. 45.
[3] Rushworth, vol. iv. p. 21. [4] Nalson's Coll., vol. i. p. 654.

and the consideration of it was referred to a Committee, of which Arthur Capell was a member. A week after the opening of Parliament his name appears on a Committee appointed on Lord Digby's motion to draw up the *Remonstrance on the state of the kingdom.*[1]

On the 23rd of November he was on the Committee appointed to receive petitions concerning the Earl Marshall's Court.[2] On the 4th December he was on a Committee to consider the petitions of Mr. Prynne, Mr. Burton, &c., and also the jurisdiction of the High Commission Courts of Canterbury and York, and the Court of the Star Chamber.[3] On the 13th December he was added to that which was to prepare the charges against the Lord Keeper and the Judges. On the 14th December he was one of the Committee of Inquiry into the misdemeanors of lord lieutenants, deputy lieutenants, &c.[4] On the 17th December he was on the Committee for considering the petition of John Bastwick;[5] on the 21st on one to consider the exactions of the King's officers and farmers, and also the patents for salt, soap, leather, and wines.[6]

[1] Commons' Journals, vol. ii. p. 25, and Rushworth, vol. iv. p. 37.

[2] Ibid., p. 34; ibid., p. 56.

[3] Commons' Journals, vol. ii. p. 44.

[4] Ibid., vol. ii. p. 50; Rushworth, p. 99.

[5] Dr. John Bastwick was imprisoned for libelling the prelates of the Church, and having repeated and aggravated the offence, together with Prynne and Burton, they were all sentenced to still severer punishment by order of the Star Chamber. On the 25th February this Committee determined that the proceedings against Dr. Bastwick by the Star Chamber were illegal; that the further orders and warrants of the Council-board were illegal; and that he ought to be discharged from prison, and have reparation.—Com. Journals, vol. ii. p. 92.

[6] These patents were amongst the grievances that daily affected the comfort of all ranks. The monopoly having been granted to a new com-

On the 6th of March a message was sent from the House of Commons to the Lords, saying that the House had considered the Earl of Strafford's answer, "and did aver their charge of high treason against "him, and that he was guilty in such manner and "form as he stands accused and impeached." They desired a free conference by select committees to consider some propositions "concerning the trial."[1]

Mr. Capell was one of the forty-eight members appointed to meet a Committee of twenty-four of the Lords, and on the 15th of April, 1641, he is mentioned as going up again with a message to desire a free conference. This conference was one of deep importance to the fate of Lord Strafford, involving, as it did, "the question of his being heard by counsel, the pro-"ceeding by way of bill," &c.

On the 18th of June he was on a Committee to draw a bill "for the levying moneys upon several persons "according to the votes of the House."[2] On the 22nd

pany for the making "a new soap, the Lord Mayor was actually sent for to "the Court, where his Majesty and the Lords rebuked him for his partial "proceeding in favour of the old soap and disparaging the new." A poor woman was sent for from Southwark, by a warrant signed by the Lord Treasurer and three other Lords of the Council, "for speaking invectively "against the new soap." The King's own household, however, furnished a good example of the inutility of patents and prohibitions. "The new "company of gentlemen soap-boilers have procured Mrs. Sanderson, the "Queen's laundress, to the goodness of the new soap; but she tells her "Majesty she dares not wash her linen with any other but Castile soap; "and the truth is, that most of those ladies that have subscribed have all "of them their linen washed with Castile soap, and not with the new."—*Court of Charles I.*, vol. ii. p. 229.

[1] Com. Journals, vol. ii. p. 98.

[2] Ibid., p. 180.

of June he was named one of the persons[1] to whom the Scots should address themselves for receiving the sums[2] at the days appointed by Parliament. On the 3rd of July he was selected to carry up the following bills to the Lords, with a message to desire their Lordships, in the name of both Houses, to move his Majesty to give his assent unto all three:—1st, the amendments and provisoes to the Star Chamber Bill; 2nd, the amendments and additions of the Bill concerning the High Commission; 3rd, the amendments and provisoes to the Bill for the speedy provision of moneys, for disbanding the armies, and settling the peace of the two kingdoms.[3]

On the 6th of July he was one of the Committee for taking into consideration the sheriffs' oaths and the selling of under-sheriffs' places.[4] On the 23rd of July the Committee for the King's army were called upon to consider the best way to effect a further continuance of the loan which the City had already made, and which the Committee declared itself ready to repay to the lenders, and also to consider the means to provide moneys by loan or otherwise.[5]

The names of seventeen gentlemen are mentioned as declaring themselves willing to lend, and amongst that

[1] The others were the Earl of Warwick, Lord Mandeville, Earl of Bedford, Earl of Essex, Earl of Holland, Lord Stamford, Lord Wharton, and Lord Brook; Mr. Martin, Sir Thomas Barrington, Sir Arthur Ingram, Sir Gilbert Gerrard, Sir Robert Pye, Mr. Bellasys, Sir Walter Earle, Sir William Litton, Sir Henry Mildmay, Sir Thomas Cheeke, Sir James Strangeways, Mr. Arthur Goodwin, Mr. Hampden, Aldermen Pennington and Soames.—*Vide* Journ. of the House of Com., vol. ii. p. 182.

[2] This was the money promised by treaty. See above, p. 34.

[3] Com. Journ., vol. ii. p. 197.

[4] Ibid., p. 200.

[5] Ibid., p. 221.

number Mr. Capell and one other gentleman appear to have been subscribers to the amount of 1000*l.* each, Mr. Hampden 500*l.*, Sir John Culpepper and four others together made up 2000*l.*, &c. &c.; and with 2000*l.* from the town of Newcastle a sum of 10,000*l.* was raised.[1] On the 5th of August Mr. Capell, with twelve other gentlemen, offered their security for money;[2] on the same day he was named one of the Committee to prepare heads for a conference with the Lords concerning the disbanding the armies, and thus closed his career in the House of Commons. On the 6th of August (four days only before the King's departure for Scotland) he was created a peer by the title of Baron Capell of Hadham; on the 7th he was introduced into the House of Lords between the Lord Paget and the Lord Kymbolton. However meagre the information gathered from the journals of Parliament, it is sufficient to show that Mr. Capell had taken an active part in the business of the House of Commons, and that his name was to be found in those Committees on whom fell the duty of investigating and reporting the most glaring abuses of that period.

The elevation of Lord Capell to the peerage appears to have given rise to the supposition that the honour was conferred upon him as the price or the reward of some sudden change in his political views.[3] There is nothing, however, to be found in the journals of Parliament to bear out this opinion. In

[1] Com. Journ., vol. ii. p. 222. [2] Ibid., p. 238.

[3] See Clutterbuck's 'Herts,' Lodge's 'Biographia Britannica,' and other biographical works.

later times the creation of a peer has been generally regarded as an honour conferred by the Sovereign as the reward of merit, a mark of personal favour, or on grounds of policy, and it is under this impression that Lord Capell's promotion has been treated as the recompence or the condition of a change in his political principles, which is supposed to have converted him at once from the steady reformer of prerogative encroachments into the zealous supporter of kingly power. No change in his political views is indicated by the minutes of the journals of the House of Commons,[1] and the fact of his being introduced into the House of Lords by Lord Kymbolton and Lord Paget, the very Hampden and Pym of the Lords, would seem to contradict such a supposition. The difficulty, therefore, is to understand the motives that led the King to select for such a distinction a person who had been actively engaged with those whose political views and measures were decidedly opposed to the exercise of his power. It must, however, be remembered that in those days it was often the Sovereign who was paid, and not the subject who was purchased by a peerage; and when the King was in difficulty for money, the rich commoner might, without any sense of degradation either to the Crown or to himself, pay the gratuity which would purchase the rank that thus became but nominally the gift of grace.[2]

[1] For further account of Lord Capell's attendance in Parliamentary Committees, see Appendix A.

[2] A curious account is given by Lord Clarendon of the mortification experienced by the Duke of Richmond at Mr. Ashburnham's influence having been preferred to his own in obtaining a peerage for Sir John Lucas. Sir Edward Hyde (then Chancellor of the Exchequer) endeavoured to soothe

That some such sale of honours took place just about the period of Lord Capell's elevation is plainly stated in a letter of Sir Edward Nicholas' to a friend, where is to be found the following passage:—

"There are great store of baronets made; the price "is come to 350*l.* as I am tould; there are noe new "barons made as yet, but there is great expectation "that there shal be four made before it be long."[1] Lord Clarendon distinctly says that Lord Capell had "no other obligations to the Crown than those which "his own honour and conscience suggested to him."[2]. This could hardly have been said had he received a peerage as the spontaneous gift from the "fountain of honour." It is probable that his abandonment of the Parliament for the service of the King was with him, as with Lord Falkland, Culpepper, Hyde, and many others, the natural result of seeing the excess of power reversed rather than redressed in its balance. Lord Capell's activity in serving on committees was not

his irritation by saying that Mr. Ashburnham "was preferred as the "better *marketman*; and that he ought not to believe that the King's "affection swayed him to that preference, but an opinion that the other "would make the better bargain. He replied, that his Majesty was de- "ceived in that, for he had told him what the other meant to give, with- "out the least thought of reserving anything for himself; whereas his "Majesty had now received 500*l.* less, and his marketman had gotten so "much for his pains."—'Life of Earl of Clarendon,' vol. i. p. 188.

Sir Francis Newport, "who was then recently married to the daughter "of the late Earl of Bedford," gave 6000*l.* for his peerage.—Clarendon's *Hist. of the Rebellion*, vol. iii. p. 258.

Mr. Hallam states that James I. sold several peerages for considerable sums.—*Const. Hist.*, vol. i. p. 461.

[1] See a letter from Sir Edward Nicholas to Admiral Sir John Pennington, dated Westminster, July 15th, 1641 (State Paper Office).

[2] Hist. of the Reb., vol. vi. p. 265.

diminished by his having changed the stage on which he was to act, and for a time his name generally appears in company with one or both of those peers who had served as his supporters on entering the House of Lords. Ten days after his taking his seat he with Lord Paget and six others were added to the Committee for composing the differences between the Lord Mayor and the commonalty, and the following day he was added to the Committee for the free importation and free making of gunpowder and saltpetre.

CHAPTER II.

Lord Capell concurs in an Address to the King on a Breach of Privilege — He joins the Royalist party — His motives for the change — Lord Capell is impeached by the Commons — He assists in collecting Money for the King — The King wishes to confer an office on Lord Capell — He is made Lieutenant-General for Shropshire and other Counties — Measures for sequestrating his Estate — The King wishes to create him an Earl.

FROM the 6th of September to the 20th of October a recess of Parliament was agreed on between the two Houses, and on the 1st of November Parliament again met for business, and Lord Capell resumed his duties.

On the 14th of December Charles appeared in person in the House of Lords, and desired the House of Commons to be sent for. He then addressed the two Houses upon the subject of the rebellion in Ireland and upon "the Bill for pressing of soldiers," which, so long as it did not trench upon his prerogative, he promised, in the following words, to pass:—"Seeing there is a "dispute raised (*I being little beholden to him whosoever* "*at this time began it*) concerning the bounds of this "ancient and undoubted prerogative, to avoid further "debate at this time I offer that the Bill may pass, with "a *salvo jure* both for King and people, leaving such "debates to a time that may better bear it; if this be "not accepted the fault is not mine that this Bill pass

"not, but those that refuse so fair an offer."[1] This speech raised the indignation of both Houses as a decided infringement of their privileges; Committees were formed in each House to consider the matter, and the following day (December the 15th) the reports from the Select Committees of both Houses were agreed to, and, the reports being taken into consideration, it was resolved *nem. con.* that the privileges of Parliament were broken, 1st, by his Majesty taking notice of the Bill for pressing being in agitation in both Houses and not agreed to; 2ndly, by his Majesty propounding a limitation and provisional clause to be added to the Bill, before it was presented unto him by the consent of both Houses; 3rdly, by his Majesty expressing his displeasure against some persons for matters moved in the Parliament during the debate and preparation of that bill, which was a breach of the privilege of Parliament.[2]

On the 16th a declaratory protestation of both Houses concerning the privileges of Parliament was agreed to and entered on the journals, and an "humble "remonstrance and petition of the Lords and Com- "mons" was addressed to the King on the subject of this recent breach of privilege, to be presented to him by Committees from both Houses. Lord Capell was one of the eighteen peers selected on that occasion; and on the 17th the King received, in the form of an humble "remonstrance and petition," a just reprimand for that incorrigible precipitancy to which he was so often

[1] Rushworth, vol. iv. p. 457. [2] Ibid., p. 458.

inclined, sometimes from the apprehension of possible consequences by delay, and sometimes from the impatience inseparable from an overweening love of power.

On the 20th of December the King's answer was delivered, in which he disclaimed "any intention of "violating the privileges of Parliament, and attributed "whatever he did therein to the great zeal he had, and "ever should have, to the suppression of the rebellion "in Ireland."

This is the last occasion on which Lord Capell appears to have taken part on the side of the Parliament as opposed to that of the King. Whether he was absent from Parliament on the 3rd of January, when articles of high treason were exhibited by the Attorney-General against Lord Kymbolton and the five members, or on the memorable 4th, when the King came in person to demand the surrender of those who were impeached,[1] does not appear; but Lord Kymbolton was nearly related to Lord Capell,[2] and it is not to be supposed, considering the opinions he had entertained, and the measures he had supported from his first entrance into public life, that such an act could have been viewed by him with indifference, still less with satisfaction. He had sat in Committee, and joined in carrying up to the King, not a month before, a remonstrance on a breach of privilege of far less importance, and it is natural to suppose his private feelings in this instance would have helped to enlist

[1] See above, p. 95.

[2] He was his first-cousin, son of Lord Manchester, the brother of Lord Capell's mother.

him with those who most eagerly and bitterly resented the King's conduct. That such, however, was not the case the journals afford direct evidence by the protests in which he did not join, as well as by those to which he affixed his name:[1] the same motives that led men like Lord Falkland, Culpepper, and Hyde, just at this period, to give their assistance to the King, may also have influenced Lord Capell to withdraw from those whose zeal for the claims of Parliament had outstripped the principles by which they had been guided in their outset, and the confidence that the choice of the King's new counsellors was calculated to inspire might naturally sanction the friend of constitutional monarchy becoming a loyalist without fear of weakening the cause of constitutional freedom and parliamentary privilege. The unacknowledged motives by which any man is actuated are at best but mere surmise, and as such can claim no other pretension to credit than the probability that arises from their harmony with his general character and the known circumstances in which he is placed. But even when cotemporaries may have come to a right decision on the subject, if they have left no memorial of their opinions there is no point on which posterity is more liable to err than in judging of the motives which in times of political agitation have effected in the wisest and purest men a change of party without even a change of opinion.

Throughout the troubled reign of Charles I. the sentiment of loyalty may be said to have sprung from

[1] Appendix B.

various sources; and though many divergent opinions were forced by the tendency of events into a common course of action, and thus destined to bear a common name, it would be a fruitful cause of error to attempt to trace this apparent unity to a common origin. To the mere courtier who sought but in his attachment to the King the advancement of his own selfish views of vanity or aggrandizement, the name of *loyalty* can hardly be awarded, while to those who still held sacred the divine right of kings loyalty was rather a worship than an opinion. To the warmest adherents of monarchy the character of Charles was on one side a stumblingblock, whilst on the other the cause of the monarch was held inseparable from the monarchy: there were those who clung to the name of the King from zeal to the constitutional principle "that he could do no wrong," whilst others saw only in the King's personal interference that principle endangered which they equally revered: thus, at the outbreak of the civil war, the country became divided between those who upheld constitutional monarchy against the invasions of the Sovereign, and those who supported the King lest the monarchy should be destroyed. But there was yet another source of loyalty, which appealed more directly to the feelings than even to the opinions of the adherents of monarchy. The King was necessary to the form of government to which they adhered, and from which, after the many vital reforms recently effected, they were more than ever to reap the advantages of security of person and property. The existence of a King was an integral part of the system by which they

desired to be governed; he in return must be protected from becoming the victim of the exalted position to which he was called.[1] A sense of personal danger and personal insult to the King could not fail at once to rouse the generous indignation of those who regarded the elevation of one over all as a benefit to themselves and as a national good.

The heat of party violence, the spirit of partisanship, the intemperance and injustice that is engendered on each side by the fierce conflict of opinions, and the more sanguinary appeal to the sword, imperceptibly obliterate the political views and changes, the motives which determine the colours of the combatants on first entering the lists; and thus, in this unhappy reign, after the war of debate had been exchanged for a declaration of hostilities, there were many in the parliamentary ranks whose distrust of the King had grown into hatred to monarchy, whilst those who had withdrawn from the Parliament from disapproval of its too arbitrary pretensions grew to be the personal friends and devoted followers of the too despotic Charles.

Such was the career of many whose names have added weight to the Royalist cause, and amongst those is henceforth to be found that of Lord Capell. The protests[2] signed by Lord Capell and a small minority of peers, varying in number from sixteen to only four besides himself, are the best evidence of his disapprobation of measures in which the Lords were now led to concur with the Com-

[1] In a letter of Lord Capell's, written to Dr. Brownrick, is to be found some allusion to this principle of loyalty. See Appendix C.

[2] See Appendix B.

mons. On the 23rd of May he is for the last time mentioned in the journals as sitting on a Committee in the House of Lords. On the 30th of May Sir John Pyckeringe declared "upon oath to the House of "Lords what Lords he met going to Yorke, and did "see at Yorke;" Lord Capell and eleven others were named. On that same day they were summoned to make their appearance in the House of Lords by the 8th of June.[1] In answer to that summons the following letter was addressed to the Speaker of the House of Lords:—

"*Letter from nine Lords at Yorke to the Speaker.*

"MY LORD,

"We whose names are underwritten have received a summons, dated 30th of May, to appear on the 8th of June at the bar; we are come hither to Yorke at this time to pay a willing obedience to His Majesty's command, signified by letters under his own command, which command remains upon us still. And so we rest your Lordships' affectionate servants,

"HEN. DOVER, "NORTHAMPTON,
"GREY DE RUTHIN, "WM. DEVONSHIRE,
"C. HOWARD, "MONMOUTH,
"THOS. COVENTRY, "RICH.
"ARTHUR CAPELL,

"*From Yorke, this 5th June*, 1642."

The time had come when obedience to the King's summons was in itself an offence against Parliament, and was therefore an aggravation instead of an excuse for non-attendance. An impeachment of the nine

[1] Lords' Journals, vol. iv. p. 92.

lords' was brought up from the House of Commons by Mr. Denzil Holles on the 16th[2] of June; on the 28th[3] the House of Commons sent a message to desire their Lordships would proceed to judgment against the nine impeached lords. On the 19th of July judgment was passed in the House of Lords against them.[4] On the following day, the Lords being in their robes, and in the presence of the House of Commons, who had been summoned to attend, the Speaker of the Commons demanded judgment against the impeached peers,[5] and the Speaker of the House of Lords pronounced the following sentence against them:[6]—

"That they shall not sit or vote in the present "Parliament:" "That they shall not enjoy the privi- "lege of Parliament as members of Parliament:" "That they stand committed to the Tower during the "pleasure of this House."[7]

Whilst these proceedings against Lord Capell and the other eight impeached lords were carried on in Parliament, the King had on the 13th of June issued his declaration of what obedience he required from those who then attended him at York,[8] and received the

[1] Appendix D.
[2] Lords' Journals, vol. v. p. 141.
[3] Ibid., p. 168.
[4] Ibid., p. 219.
[5] "The House of Commons being come with their Speaker, he said, "'That the knights, citizens, and burgesses of the House of Commons "'have impeached Spencer Earl of North'on, etc., for high crimes and "'misdemeanors, to the interruption of the proceedings in Parliament and "'great affairs of the kingdom, and tending to the dissolution of the Par- "'liament and disturbance of the peace of the kingdom; for which the "'House of Commons have commanded him to demand their Lordships' "'judgment.'"—*Ibid.*, p. 223.
[6] Appendix D.
[7] Lords' Journals, vol. v. p. 223.
[8] See above, p. 111.

promise on their part signed by forty-five peers and others.[1] On the 15th of June the King in council made his declaration against any intention of levying war, and called upon his nobility and Privy Council to bear witness to his frequent and earnest declarations and professions to that purpose.[2] The document in reply was again signed by forty-five peers and others, and to both the promise and the declaration Lord Capell's signature is affixed. The signing of that declaration having already been fully discussed in the Life of Lord Falkland, it is unnecessary to recapitulate those facts or repeat those reasons which are equally applicable to the conduct of all who joined in its signature.[3] Lord Capell was now fairly enlisted in the ranks of the Royalist party, and it may be presumed that he remained with the Court during the King's residence at York,[4] and must have been with him at Nottingham, where, after the standard had been raised, and the war had already begun, the difficulty of procuring money to maintain the King's troops began to be very sensibly felt. The two Universities made large

[1] See above, p. 112. [2] Ibid.

[3] Lord Capell's name is included in the list of those Lords who subscribed at York, on the 22nd of June, 1642, to levy horse for his Majesty's service, as contributing 100 horse. (*Ib.* p. 120.) Two other peers only, not including the royal family (Lord Coventry and Lord Thanet) subscribed so largely. A curious print, dated 1722, a copy of which is in the possession of the Earl of Essex, represents the chosen emblems of many of the royalist commanders, and bears the inscription of "A display of the royal banner and standards borne by the "royalists in the grand rebellion, A.D. 1641, with their several curious "devices and mottos, together with the names of the Lords and principal "gentlemen that gave them." Lord Capell's device was the crown, with the sceptre: beneath, the motto, "Perfectissima gubernatio."

[4] This party is well described in the letter of a cotemporary; see App. E.

contributions of plate and money. The money was to be carried with the King whenever he removed from the town, and the plate was weighed and delivered to the different officers who were intrusted to make levies of horse and foot, and secret orders were sent to the officers of the Mint to hold themselves in readiness to come to the King as soon as he deemed it expedient to do so. This restored confidence; and whilst some gentlemen sent voluntary presents of money to the King, others undertook to make levies upon their own credit and interest. Lord Clarendon relates a story[1] in illustration of these endeavours to raise money, which, as he says, "administered some mirth at Court." It seems that Lord Capell and Mr. Ashburnham were each sent to two great men living in the neighbourhood of Nottingham, both men of great fortunes and of great parsimony, and known to have much money lying by them—Pierrepont Earl of Kingston, and Leake Lord Deincourt. Each was furnished with a letter from the King, and was to endeavour to borrow 5000*l.* or 10,000*l.* Lord Capell was received with civility, and was as well entertained by Lord Kingston as the "ill "accommodation in his house" and his host's "manner "of living would admit;" and on opening to him the object of his visit he expressed with all possible professions of duty "the great trouble he sustained in not "being able to comply with his Majesty's commands:" he said, "all men knew that he neither had nor could "have money, because he had every year, of ten or a

[1] Hist. of the Reb., vol. iii. p. 247.

" dozen which were past, purchased 1000*l.*'s land a-year;
" and therefore he could not be imagined to have any
" money lying by him, which he never loved to have.
" But," he said, "he had a neighbour who lived within
" few miles of him (the Lord Deincourt), who was good
" for nothing, and lived like a hog, not allowing him-
" self necessaries, and who could not have so little as
" 20,000*l.* in the scurvy house in which he lived;" and advised "he might be sent to, who could not deny the
" having of money;" and "concluded with great duty
" to the King, and detestation of the Parliament, and
" as if he meant to consider further of the thing, and to
" endeavour to get some money for him; which though
" he did not remember to send," Lord Clarendon adds,
" his affections were good, and he was afterwards killed
" in the King's service."[1]

Mr. Ashburnham was still less successful; he got neither money nor good words. Lord Deincourt did not know Mr. Ashburnham's name, and when he asked from whom the letter came he utterly refused his belief that it was from the King. " He was not such a fool," said he,
" as to believe it; that he had received letters both from
" the King and from his father; and running hastily out
" of the room, returned with half a dozen letters in his
" hand, saying that those were all the King's letters, and
" that they always began with *Right Trusty and Well-*
" *beloved*, and the King's name was ever at the top; but
" this letter began with his own name, and ended
" with '*Your loving friend, C. R.*,' which, he said, 'he

[1] Hist. of the Reb., vol. iii. p 148.

"was sure could not be the King's hand.'" Mr. Ashburnham was treated as little better than an impostor, whilst Lord Deincourt despatched a letter to Lord Falkland, who was his wife's[1] nephew, to tell him "that one Ashburnham was with him, who brought "him a letter, which he said was from the King; but "he knew that could not be, and therefore he desired "to know who this man was, whom he kept in his "house till the messenger should return."[2] The man arrived at midnight, after Lord Falkland was in bed, but in spite of the laughter, which, as Lord Clarendon says, "was not to be foreborne," Lord Falkland immediately returned an answer, explaining the authority of Mr. Ashburnham's mission. This produced so striking a change of manner towards his suspected guest, that the latter flattered himself his mission was about to be successful; but he was soon undeceived by Lord Deincourt telling him, "with as cheerful a countenance as "his could be, for he had a very unusual and unpleasant "face, that though he had no money himself, but was "in extreme want of it, he would tell him where he "might have money enough; that he had a neighbour "who lived within four or five miles (Earl of Kingston), "that never did good to anybody, and loved nobody "but himself, who had a world of money, and could "furnish the King with as much as he had need of; "and if he should deny that he had money when the "King sent to him, he knew where he had one trunk

[1] Anne, daughter of Sir Edw. Carey, of Berkhampstead, co. Herts, sister of Henry Viscount Falkland.

[2] Hist. of the Reb., vol. iii. p. 249.

"full, and would discover it; and that he was so ill "beloved, and had so few friends, that nobody would "care how the King used him."

Lord Capell and Mr. Ashburnham returned from their separate missions so near the same time, to render an account of their unsuccessful though humorous adventure, "that he who came first had not given his "account to the King before the other entered into his "presence."[1]

The remainder of the year furnishes no other anecdotes or events in which the name of Lord Capell appears.[2]

The diminished power of the Court to serve its adherents in no way diminished the claims of those who sought for advancement; and the unanimity which both honour and policy should have dictated was frequently disturbed by the desire for personal promotion outstepping all zeal to the cause in which they were engaged. The following letter from Charles to the Queen is curiously illustrative of his dependence on her wishes and advice, the too great eagerness of some for place, and the contrast afforded by the more modest and disinterested conduct of Lord Capell:—

"Oxford, January 23, 1642-3.

"I hope shortly to have the happiness of thy company, yet I must tell thee of some particulars in which I desire both

[1] Clarendon's 'Hist. Reb.,' vol. iii. p. 250.

[2] The following entry serves to mark Lady Capell's movements and occupation at this time:—

"Jan. 26, 1642-3.—That the Lady Capell shall have a pass to come to London, with her coaches and horses and servants, to see her grandmother sick in London."—*Lords' Journals*, vol. iv. p. 570.

thy opinion and assistance. I am persecuted concerning places, and all desire to be put upon thee, for the which I cannot blame them; and yet thou knowest I have no reason to do it. Newark desireth Savil's place upon condition to leave it when his father dieth; Caunworth the same, being contented to pay for it, or give the profit to whom or how I please: Digby and Dunsmore for to be captain of the pensioners; Hartford once looked after it, but now I believe he expects either to be treasurer or of my bedchamber; I incline rather to the latter if thou like it, for I absolutely hold Cottington the fittest man for the other. *There is one that doth not yet pretend that doth deserve as well as any—I mean Capel;* therefore I desire thy assistance to find somewhat for him before he ask. One place I must fill before I can have thy opinion; it is the Master of the Wards. I have thought upon Nicholas, being confident that thou wilt not mistake my choice; and if he cannot perform both, Ned Hyde must be Secretary, for indeed I can trust no other. Now I have no more time to speak of more, but to desire thee not to engage thyself for any; so I rest eternally thine,

"C. R.[1]

"*Oxford*, 2 *February* 23 (*January*)."

It would seem that either the Queen was unfavourable to Lord Capell being placed about herself or about the King, or that no such office as would have suited him fell vacant at Court, but he received no appointment, and in the following spring, 1642-3, he commenced his career as a military commander.

Lord Strange, eldest son of the Earl of Derby, had been made by the King Lord-Lieutenant of Lancashire and Cheshire, and on him therefore had devolved the putting the King's Commission of Array into exe-

[1] King Charles's works.

cution.[1] This had roused against him no small hostility on the part of the gentry, and his influence was completely overpowered in both these counties by the adherents of Parliament. He was repulsed first at Manchester, July 15, 1642, and again, after a siege of two months, was successfully resisted and prevented by Sir William Bruerton from seizing on the county magazine. Lord Clarendon represents the conduct of Lord Strange as deficient in skill and vigour, though of "blameless fidelity" to the King;[2] and to mitigate the evils that arose from the ill success and mismanagement of Lord Strange's (now Lord Derby's)[3] command, Lord Capell was sent to Shrewsbury with a commission of Lieutenant-General for Shropshire and other counties.[4] On the 3rd of April, 1643, his proclamation was issued, as Lieutenant-General,[5] to the counties of Worcester, Salop, and Chester, and the six northern counties of Wales.[6] His high character and great fortune availed

[1] May's 'Parl. Hist.,' p. 147.

[2] Hist. of the Reb., vol. iii. p. 451.

[3] William, sixth Earl of Derby, died Sept. 29, 1642.—*Collins' Peerage.*

[4] If the information from the opposite side is to be relied on respecting the movements of the Royalists, it would seem that Lord Capell had been designed in March to go into Cambridgeshire, but that this plan was abandoned. *Vide* Appendix F.

[5] Addressed to all commanding officers and soldiers, and to all other subjects, by Arthur Lord Capell. Printed at Shrewsbury.

[6] On the day before this proclamation was issued the House of Lords was informed that "The Lady Capell hath had her horses and four hundred pounds taken from her by some soldiers, under pretence of a warrant from the Committee of the Safety, wherein the parties have exceeded their commission and injured the Committee:" whereupon it was the resolution of the House, that the said Committee should make inquiry thereof. And it is ordered that the said "lady shall have a protection for her houses of Hadham Hall and Cassioberry, in the county

him much on this occasion, and justified the wisdom of his appointment, inasmuch as Lord Clarendon says, "he quickly engaged those parts in a cheerful asso- "ciation, and raised a body of horse and foot that gave "Sir William Bruerton so much trouble at Nantwich, "that the garrison at Chester had breath to enlarge its "quarters and to provide for its own security, though "the enemy omitted no opportunity of infesting them, "and gave them as much trouble as was possible."[1] The success of Lord Capell's forces in these parts appears indeed to have been chequered with reverses. Lord Clarendon admits that "Sir William Bruerton and the "other gentlemen of that party executed their com- "mands with notable sobriety and indefatigable industry "(virtues not so well practised in the King's quarters), "insomuch as the best soldiers who encountered with "them had no cause to despise them."[2] Lord Capell's forces gave sufficient occupation to the Parliamentary troops in those counties to which he was appointed Lieutenant-General, to prevent their sending assistance either to the Earl of Essex or to Lord Fairfax in Yorkshire;[3] but, on the other hand, the Parliamentary writers have to boast of various successes in those parts. Whitelock states in his Memorials that on the 29th of August, 1643, Sir William Bruerton took Eccleshall Castle, and defeated a party of the Lord Capell's forces under Colonel Hastings; and the historian May de-

"of Harteford, for her goods and chattels thereunto belonging; and that "the Earl of Manchester, Speaker, should write to the Lord Grey in her "behalf." *Vide* Journals of the House of Lords, vol. v. p. 685.

[1] Clarendon's 'Hist. Reb.,' vol. iii. p. 451.

[2] Ibid. [3] Ibid., p. 452.

scribes two other occasions of Sir William Bruerton's victorious encounters with Lord Capell's forces when advancing against him in Shropshire[1]—the one, of his "surprising a town called Drayton, in which Sir "Vincent Corbet, a commander of the King's side, "was quartered, where he entered with small opposition, "took two complete troops of horse and six companies "of dragoons, whilst Sir Vincent Corbet saved himself "only by flight;" and the other when he took "Whit-"church upon the edge of Shropshire, with great store "of arms and ammunition, and many prisoners of the "Lord Capell's forces."[2]

Lord Capell's forces were strengthened, by order of the King, with such troops as could be spared from and about Dublin, and whom he commanded should be shipped for Chester that he might be able to resist the growing power of Sir William Bruerton:[3] but Sir William was also reinforced by an addition of troops from London. Lord Clarendon states that with the assistance of Sir Thomas Middleton and Sir John Gill he was grown very strong, and was backed by Lancashire, which was "wholly reduced to the obedience "of the Parliament;"[4] and May describes Sir William Bruerton as "the chief instrument of delivering "Cheshire out of the hands of the Earl of Derby, "and preserving it for the Parliament, though the "greater part of the gentry adhered to the King."

It was not only in the field that the leaders on either side were now often made to feel the terrible scourge

[1] May's 'Hist. of the Parl.' p. 208.
[2] Clarendon's 'Hist. Reb.,' vol. iv. pp. 394-395.
[3] Ibid.
[4] Ibid.

of civil war, it was not enough to abide by the decision of arms to which each party had resorted, but the Parliament on one hand, and the King on the other, pursued a course of regal and legislative action, as though the power of the Sovereign and the validity of the acts of Parliament were in no way impaired by their separate action and hostile position. A double interference with the rights of property and liberty of person was thus carried on. Property was sequestered and transferred by Act of Parliament or by royal gift, without any conquest of the land; and men were made prisoners of war who were neither captured in battle nor found bearing arms in the field. On the 10th of April, 1643, seven days after Lord Capell's proclamation was issued at Shrewsbury, a message to the Lords from the House of Commons (brought by Mr. William Stroude) is entered in the Journals as follows:[1]—"An ordinance

[1] Lords' Journals, anno 1643, vol. v. p. 705. The following letter, written seven months before, shows that Lord Capell had then begun to feel the necessity of changing his usual mode of receiving his rents:—

"*Theophilus Hide and Tho. Lad.*

"I would have you deliver all such sums of monies as you receive "of my manors in the west for rents and fines, and usually you bring to "Wrington, and thence to Haddam, unto such persons as the Marquis "Hertford shall send unto you for it, with an acknowledgment under the "Marquis Hertford's hand for the receipt of it; which receipt, together "with the showing me this letter, shall be a sufficient discharge to you for "it. I would not have you fail to do it.

"Derby, this 13th of Sept., 1642." "ARTHUR CAPELL.

"I have sent another letter to you, which is word for word with this, "because you may perceive I am careful that it may be done. Either of "these letters will be sufficient if they come to your hands. I think it

" brought up for the Lord Generall to rake and seize " the estate of the Lord Capell, because the King hath " seized the estate of the Lord Generall, as appears by " warrant under the sheriff's hand."

The following day (April 11th) a message was sent by the Commons to desire their Lordships would expedite the ordinance for the Lieutenant-General taking possession of the Lord Capell's estate. On the day after (the 12th), and also on the 14th, the message was repeated, and on the 27th the Lords promised the House of Commons that a Committee should be appointed to consider the ordinance for assessing the twentieth part of malignants' estates, and that for sequestrating Lord Capell's to the use of the Earl of Essex.[1] On the 13th of May the Lords were again urged by a message from the Commons to expedite the order for sequestrating Lord Capell's estate to the use of the Lord-General, and for that and other matters specified " that they will please to sit awhile." The Lords promised again " to take the ordinance and other " matters into immediate consideration, and to sit " awhile as is desired."

On the 18th of May the Lords resolved on a conference with the House of Commons,[2] to let them know that, though desirous to join in any fitting way to express

" were fit one of you go along with the money when it is delivered to the " Marquis.

" To my servants Theophilus Hide and
" Thomas Lad, at Wrington, in Somer-
" setsh., deliver these."—

Journals of the Lords, p. 367.

[1] Lords' Journals, 1643, vol. vi. p. 20. [2] Ibid., p. 48.

their respects to the Lord-General, they do differ in the way, and conceive it will be better to have a proportion answerable to the value intended him out of the Lord Capell's estate allowed him out of the sequestration in general, than to appoint it out of any particular estate, which may draw envy upon him; and that they do think it fit that the King's warrant for seizing the rents of the Lord-General be recalled by order of both Houses. The Commons agreed to this resolution, and resolved that the sum of 10,000*l.* should be yearly paid to the Lord-General towards the reparation for losses he had received by the King's forces; and on the 26th of May the order for that payment was passed in the House of Lords.[1]

There is no mention to be found of the exact time that Lord Capell remained with his forces in those counties to which he had been appointed Lieutenant-General, but it would seem that he was recalled from Shrewsbury by the King, and that Lord Clarendon disapproved of his recall, which he regarded as "unfortunate to the King's own affairs." The recall was accompanied with a warrant for an earldom, but, says Lord Clarendon, "though Lord Capell received it "with that duty that became him, he resolved never to "make use of it till the times proved good and honest, "and then to lay it at his Majesty's feet to cancel "or execute it."[2] Lord Capell was not destined, how-

[1] Com. Journ., anno 1643, p. 89.

[2] These facts are mentioned by Lord Clarendon, in answer to a letter from Sir Edward Nicholas, dated Feb. 22, in which he says, "I hope, since "the King is still giving warrants for honours, that he will by Sir

ever, to see the "good and honest times" which he then ventured to anticipate.

"Edward Hyde be put in mind that the gallant and matchless Lord "Capell was, by our last master, promised to be made Earl of Essex." Lord Clarendon says, in reply, he never heard of that particular promise, and "that he is sure the warrant sent to Lord Capell had a blank for the "title." Whether Charles II. afterwards obtained proof of this promise to Lord Capell or not, he seems to have acted on the belief that it had been made, and on the 20th of April, 1661, Arthur, second Lord Capell, received an advance in the peerage by the title of Earl of Essex.—Clarendon's *State Papers*, vol. iii. p. 51.

CHAPTER III.

Proceedings in Scotland — Communications between the Parliaments at Oxford and Westminster — Letter to the Privy Council in Scotland — Arrangements respecting the King's Children — The King decides on sending the Prince into the West — Lord Capell appointed one of the Prince's Council — Treaty of Uxbridge — The Prince goes to Bristol — Siege of Taunton, and Military Transactions in the Western Counties.

ON the 22nd of December, 1643, a proclamation was issued by the King to summon the members of both Houses to assemble at Oxford on the 22nd of January following, upon occasion of the invasion by the Scots.[1] The Convention of Estates, which was the Parliament of Scotland, had been called together contrary to the King's consent, and without warrant from their own laws;[2] it was not likely therefore to be very regular in its proceedings. The consequence of its meeting was a proclamation, issued in the King's name, calling upon all to take arms, "between the age of threescore to sixteen," in order to rescue the King from "the great "danger which his person was in by the power of "the Popish and prelatical party in England."[3] To this proclamation the Earl of Lanrick (brother to the Duke of Hamilton) had affixed the King's own signet; a strange example of making war upon the King in his

[1] Rushworth, vol. v. p. 559.
[2] Clarendon's 'Hist. Reb.,' Appendix E, vol. iv. p. 625.
[3] Ibid., pp. 626-627.

own name, to rescue him from those dangers in which they knew he did not stand, in order to really expose him to those attendant on a hostile invasion and coalition with his enemies. Many really believed they were summoned by the King himself, and thus the ranks of this invading army were swelled even by his friends as well as foes.[1] The covenant which had been sent to England was returned to Scotland with full approbation, "both "Houses of Parliament at Westminster having taken "it and enjoined it throughout the kingdom."[2] How far the intrigues and treachery of the Duke of Hamilton tended to bring about this state of affairs it is needless here to discuss.[3] Two expedients were now suggested to the King by Sir Edward Hyde (the Chancellor of the Exchequer), which, meeting with the King's approbation, were proposed for deliberation in Council;[4] the one that a letter should be addressed to the Council of State in Scotland, signed by all the peers in Oxford or in the King's service; the other to summon the

[1] Clarendon's 'Hist. of the Reb.,' Appendix E, vol. iv. p. 627.

[2] "Thereupon the Lords of the Secret Council, and those Committees "that were appointed to manage the affairs, ordered that whosoever re- "fused to take the covenant should be proceeded against as an enemy to "both kingdoms, and his estate be sequestered and disposed to the use of "the public; the assembly, likewise, of their kirk pronouncing solemn "excommunications against them."—Ibid.

[3] Lord Clarendon throws on the Duke of Hamilton much of the responsibility of the unskilful or disloyal management of the King's affairs in Scotland; and his ill opinion of the conduct and designs of the Duke was confirmed, if not formed, on this subject by the evidence given on oath before the Lord Keeper, two Secretaries, the Master of the Rolls, and the Chancellor of the Exchequer, by the Earls of Montrose and Kinnoul, Lord Ogilvie, and others. Vol. iv. p. 433.

[4] Ibid., p. 347.

Parliament to Oxford. The Council decided in favour of these expedients, by both of which it was intended to exhibit equally to the people of England, as to those of Scotland, that, as the Parliament assembled at Westminster was but an inconsiderable portion of the whole body, the major part of both Houses having been driven away by force, it was no longer to be regarded as speaking on behalf of the kingdom, or entitled to the authority of Parliament. On the 4th January, 1643, the Scots entered England, having already possessed themselves of Berwick. On the 22nd of January the Parliament met at Oxford, and on the 29th a letter was written to the Earl of Essex, expressing the hope of his concurrence in the earnest efforts and wishes for peace of all who then addressed him. The reception of the King's two last messages to Westminster, to which no answer had been returned, and the fate of his last messenger, who had been tried for his life in a court of war, and imprisoned ever since, rendered it impossible to again address Parliament. Moreover, any address from his Majesty to Parliament had been prohibited, except through the hands of the Earl of Essex.[1] It was

[1] "Upon our coming hither (Oxford) we applied ourselves with all "diligence to advise of such means as might most probably settle the "peace of this kingdom, the thing most desired by his Majesty and "ourselves; and because we found many gracious offers of treaty for "peace, by his Majesty, had been rejected by the Lords and Commons "remaining at Westminster, we deemed it fit to write in our own names, "and thereby make trial whether that might produce any better effect for "accomplishing our desires and our country's happiness; and they hav-"ing, under pain of death, prohibited the address of any letters or mes-"sages to Westminster but by their General, and we conceiving him a "person who, by reason of their trust reposed in him, had a great influence "in and power over their proceedings, resolved to recommend it to his

supposed that many of the Parliamentary leaders feared the consequences to themselves should the King's power be restored, and were thus withheld from the desire of peace, and that a promise of the King's pardon, endorsed, as it were, by so large a body of peers and others of the King's party, would tend to reassure them on that score.[1] It was also hoped that Lord Essex's own inclinations would lead him readily to concur with those who addressed him in promoting the overture for peace. The letter was signed by the Prince of Wales and Duke of York, by 43 peers and 118 commoners: five more peers and twenty-three more commoners, who were unable to reach Oxford in time, soon afterwards added their concurrence to those who had signed, making in all no less than 191 who joined in thus addressing the Earl of Essex.[2] Lord Capell was amongst the five described as "disabled by several acci- "dents to appear sooner, and who have since attended "the service and concurred with us." The letter produced no good results; Lord Essex gave no other answer than enclosing the covenant taken by the kingdoms of England and Scotland, and declined to communicate the letter to Parliament, "as having no address "to the two Houses of Parliament."[3] After some

"care, and to engage him in that pious work." *Vide* 'Declaration of Lords and Commons assembled at Oxford.'—*Parliamentary Hist.*, vol. iii. p. 209.

[1] *Vide* Clarendon's 'Hist. of the Reb.' vol. iv. p. 399. A free and general pardon was offered, in the King's proclamation for assembling the Parliament at Oxford, "to all the members of either House who should, "at or before the 22nd of January, appear at Oxford and desire the same "without exception."—*Parliamentary Hist.*, vol. iii. p. 195.

[2] Rushworth, vol. v. p. 574. See Appendix G.

[3] Ibid., p. 567.

further correspondence between the King's general (the Earl of Forth) and the Earl of Essex, the King consented to address the Lords and Commons assembled at Westminster. This produced from them an answer to the letter to Lord Essex, but as little pacific in its intention as it was defying and threatening in its tone.

The other expedient recommended by the Chancellor of the Exchequer for the purpose of averting the warlike movements of the Scots, viz. the letter addressed to "the Right Honourable the Lords of the "Privy Council in Scotland and Conservators of Peace "between both Kingdoms,"[1] met with no better success. It bore the signatures of fifty-two peers, and was designed as a protest against the invitation of Parliament alleged by the Scots in justification of their entering the kingdom with an army. The letter stated how no such invitation would have passed the two Houses of Parliament had they who were now assembled at Oxford been present to give their votes, and how their absence from Westminster had been forced by violence. The name of Lord Capell is amongst the signatures to this letter. Lord Clarendon states that it was sent to Scotland at the end of November;[2] but there must be some

[1] See Appendix H.

[2] Lord Clarendon says, "That the letter was perused and debated in "Council, and afterwards in the presence of all the peers:" it was approved and agreed to without one dissenting voice, "ordered to be en-"grossed, and signed by all the peers and privy councillors who were then "in Oxford, and to be sent to those who were absent in any of the armies "or in the King's quarters—to be sent to the Marquis of Newcastle, who, "after he had signed it, with those peers who were in those parts, was to "transmit it to Scotland." This seems to be one of the mistakes as to dates into which Lord Clarendon is betrayed by writing from memory.

It

mistake as to this date, inasmuch as the Scots' answer, dated March 18th,[1] acknowledged the receipt of this letter the preceding day."[2]

The Scots declared in their answer that the principal cause of their present undertaking was their "Christian "duty to religion, loyalty, and tender regard to his "Majesty's honour and safety, and prevention of them-"selves from ruin and destruction; that the invitation "of the Parliament in behalf of their brethren in "England was their special motive to the same."[3] They professed themselves unable to see that the forced absence of so large a body of members of Parliament could affect the validity of their acts, and concluded by recommending their Lordships to join in taking the covenant, which they enclosed for that purpose.[4] Thus ended any present hopes of peace; and though the failure of the combined efforts of the King, the Lords, and the Commons, then assembled at Oxford, to effect a reconciliation, may have increased the feelings of hostility towards those who rejected such overtures, the attempt must have afforded to those who had joined in good faith for that purpose the consolatory reflection that they had at least striven to spare the country the miseries of a protracted war.

It is not improbable that the letter was written and agreed to at the time he mentions; but though some delay in collecting the signatures may have occurred between the sending and the receiving the letter, it is very improbable that a letter sent by express should have taken from the end of November to the 17th of March to arrive at its destination.

[1] Clarendon's 'Hist. of the Reb.,' Appendix E, vol. iv. p. 630.

[2] Rushworth, vol. v. p. 562.

[3] Parl. Hist., vol. iii. p. 205.

[4] Clarendon's 'Hist. of the Reb.,' vol. iv. p. 349.

It was just about the time when this interchange of letters took place between the Lords of the Privy Council in Scotland and the Lords in England that the Parliament at Westminster concluded an arrangement that had been pending for some months, and, though deeply interesting to the parental feeling of the King, he was denied all power of interference on the subject. His younger children were in the hands of Parliament.[1] On the 2nd of July, 1643, it was proposed by the House of Commons that Lady Vere should be appointed governess to the royal children. Whether this proposition was disapproved of by the Lords, or declined by her, does not appear, but on the 29th of the same month (July) the House of Commons desired the concurrence of the Lords to their vote that the Countess of Dorset[2] should be appointed as governess to the royal children. Many messages and conferences took place between the two Houses on the subject of attendants and establishments for the King's children. On the 16th of December a touching letter was addressed to the House of Lords by the young Princess Elizabeth, then only eight years old, remonstrating against her old servants being removed.[3] On the 2nd of March, 1643-4, the King tried to regain possession of his

[1] Lord Clarendon speaks of the King's *three* younger children (*vide* vol. v. p. 9); but the King's younger children, at that time, were only the Princess Elizabeth and the Duke of Gloucester. The Princess Anne had died in December, 1640, and the Princess Henrietta Anne was not born till June, 1644.

[2] Mary, daughter of Sir George Curzon, and wife to Edward Sackville, Earl of Dorset.

[3] Appendix I.

children, and a letter was addressed by the Earl of Forth to the Earl of Essex, saying that, if he would send the children with a safe-conduct to Oxford, he would give the Earl of Lothian in exchange. The letter was despatched to the Lords, "but the House utterly disliked "that the King's children should be sent to Oxford."[1]

On the 19th of March the two Houses came to an agreement on the list of the establishment for the King's children, at the head of which the Countess of Dorset was named as governess;[2] and on the 12th of April, 1644, an oath or covenant was framed to be taken by the women-servants attending the royal children at St. James's, the purport of which was to swear entire fidelity to the Parliament.[3]

Though the selection of the Countess of Dorset as governess could not be displeasing to the King,[4] his con-

[1] Lords' Journ., vol. vi. p. 446.

[2] Appendix I.

[3] They were required to swear that neither word nor message to or from Oxford or elsewhere, concerning the removal of the children, or anything prejudicial to the children, or to either or both Houses, or any member of that House, should pass without being immediately revealed to at least three of the members of that committee, appointed by both Houses, "for regulating the household at St. James's."

[4] The manner in which Lord Clarendon names the appointment of those to whom the care of the King's children was given is not consistent with the facts as they stand in the Journals. Upon two different occasions (vol. v. pp. 453, 471) Lord Clarendon mentions the Countess of Dorset as the person selected by the King to be governess to his children, and alludes (ibid., p. 9) to the Parliament having taken them "from the governess in "whose hands he had placed them," and "put them in the custody of "one in whom he (the King) could have the less confidence because it "was one in whom the Parliament confided so much." He also says (p. 453) that the King had left his children under the tuition of the Countess of Dorset, "but from *the death* of that Countess the Parliament "had presumed, that they might be sure to keep them in their power, to

trol over his younger children had passed from his hands, and he now turned anxiously to consider what course to pursue with respect to the disposal of his two eldest sons, the Prince of Wales and the Duke of York, who were both with him at Oxford. He had hitherto been so resolved that the Prince of Wales should never quit him, that he had been comparatively indifferent as to what governor or servants he put about him. To superintend his education, to form his character, and to guide his conduct, was to be the work of his own parental care; but the more gloomy aspect of his affairs shook this cherished resolution. He now began to say that "himself and the Prince were too much to venture in "one bottom; that it was time to *unboy* him by putting "him into some action and acquaintance with business "out of his own sight;"[1] and after much consultation with Lord Digby, Lord Culpepper, and Sir Edward Hyde, he determined on sending the Prince from him.

On the 15th of May a letter was addressed by the

"put them into the custody of the Lady Vere, an old lady much in their "favour, but not at all ambitious of that charge, though there was a "competent allowance assigned for their support." The facts as presented by the Journals are, that Lady Vere was proposed as their governess by the House of Commons on the 2nd of July, 1643, and on the 29th the Countess of Dorset was proposed by the House of Commons, and appointed. Shortly before her death the Earl and Countess of Northumberland were appointed by Parliament to have the care of the children, but did not enter upon that charge till her decease, May 17, 1645, when a messenger was sent to Oxford to acquaint her husband with her death, and her funeral and debts were ordered to be paid out of the maintenance allotted to her by the Committee of both Houses for the King's children.—*Com. Journals*, vol. iv. p. 147.

[1] Clarendon's 'Hist. of the Rebellion,' vol. v. p. 9.

Marquis of Hertford to the Earl of Essex, announcing the King's pleasure that the Prince should now reside in Cornwall, and desiring a pass for "such furniture and "other utensils as were necessary for him." At the same time he enclosed another letter from the Earl of Berkshire to Sir David Cuningham, desiring him to send down to Oxford a trusty messenger with the transcript of former precedents concerning the Prince of Wales taking possession of the duchy of Cornwall. These letters were immediately forwarded to the House of Lords, and both requests were at once refused, on the ground "that, if the Prince should go into the western "parts under this pretence to settle in Cornwall, it "might be of ill consequence to the public, for thereby "the Prince might draw away the affections of the "people from the service of the Commonwealth."[1]

This refusal from Parliament did not, however, alter, though it may have delayed, the King's resolution on the subject of the Prince's departure. It was intended at first he should go no further than Bristol, though his ultimate destination was to be the west. The King talked openly of his intention of sending him away; and lest this change from his former declared resolution of keeping his son always with him should create suspicion of any secret intention of sending him to the Queen, who was now in France,[2] the King made choice at once of those counsellors to be about the Prince whose ap-

[1] Com. Journals, vol. vi. p. 558.

[2] The Queen had been forced to fly from Exeter at the end of June, a fortnight only after the birth of her youngest child, the Princess Henrietta Anne.

pointment were best calculated to allay any such apprehensions.[1]

The Duke of Richmond, the Earl of Southampton, the Lord Capell, the Lord Hopton, Sir Edward Hyde, and the Lord Culpepper were named as a council to the Prince of Wales, and appointed to meet frequently at the Prince's lodgings to consider "with his Highness "what preparations should be made for his journey, and "in what manner his family should be established."[2]

From this time Lord Capell was called upon to play an important part both in the council and the field. A further delay in the King's intention of parting with the Prince was now, however, occasioned by the hopeful prospect of a peace. Important dissensions had arisen among the leaders at Westminster. The more violent party had become dissatisfied with Lord Essex, Cromwell accused the Earl of Manchester of having betrayed the Parliament out of cowardice at the battle of Newbury, and the Scotch Commissioners were displeased with Cromwell and Vane.[3] With the few exceptions of

[1] Clarendon's 'Hist. of the Rebellion,' vol. v. p. 11. [2] Ibid.

[3] The Scotch Commissioners demanded an interview with Lord Essex, Mr. Maynard, and Mr. Whitelock, on which occasion they spoke of Cromwell "as no friend of ours; and since the advance of our army into "England he hath used underhand and cunning means to take off from "our honour and merit in this kingdom—an evil requital of all our hazards "and services; but so it is. . . . He is not only no friend to us and to "the government of our Church, but he is also no well-wisher to his "Excellency. . . . Now the matter is, wherein we desire your opinion, "what you take the meaning of the word 'incendiary' to be, and whether "Lieutenant-General Cromwell be not sike an incendiary as is meant "thereby, and whilke way wud be best to tak to proceed against him "if he be proved to be sike an incendiary, and that will clepe his wings "from soaring to the prejudice of our cause."—Whitelock's *Memorials*, p. 111.

those who were influenced by motives of fear, or interested by hopes of personal aggrandisement, in maintaining the war, peace was now earnestly wished for on both sides, and after much preliminary negotiation, beginning in December, 1644, it was finally determined that a treaty should be set on foot, and that Uxbridge should be the place of meeting. Accordingly, on the 30th of January, sixteen Commissioners for the two Houses of Parliament, four for the Parliament of Scotland, and sixteen for the King, assembled at Uxbridge for that purpose. Lord Capell was one of the Commissioners for the King who were engaged in that arduous but unavailing task. The three subjects discussed, on which the treaty was to be framed, were the Church,[1] the state of Ireland, and the militia. The King's Commissioners offered certain limitations respecting episcopal government that might have reasonably satisfied the Scots and the English Presbyterians, but they were immoveable.[2] The Covenant, the whole Covenant, and nothing but the Covenant and the spirit of the Covenant, would satisfy their demands; nor did they show any greater disposition

[1] The King's doctors, Steward and Sheldon, argued at Uxbridge that Episcopacy was *jure divino*, Henderson and others that Presbytery was so.—*Whitelock*, p. 132.

[2] "The King's Commissioners offered, what in an earlier stage of their "discussions would have satisfied almost every man, that limited scheme "of Episcopal hierarchy that rendered the Bishop among his Presbyters "much like the King in Parliament, not free to exercise his jurisdiction, "nor to confer orders without their consent, and offered to leave all cere- "monies to the minister's discretion. Such a compromise would probably "have pleased the English nation, averse to nothing in their Established "Church except its abuses; but the Parliamentary negotiators would not "so much as enter into discussion upon it."—Hallam's *Constitutional Hist.*, vol. ii. p. 237.

to make concession on the subject of the militia; and though it must always remain a subject of doubtful and interesting speculation what Charles's position might have been had he yielded sufficiently to the demands of Parliament for the treaty to have been made, yet no doubt can remain on the mind of any candid reader of the details of that negotiation that the conduct of the Parliamentary and Scotch Commissioners went far to justify the animadversions contained in the last paper delivered to them by the King's Commissioners, in which they observed "that, after a war of so many "years, entered into, as was pretended, for the defence "and vindication of the laws of the land and liberty of "the subject, in a treaty of twenty days they had not "demanded any one thing that by the law of the land "they had the least title to demand, but insisted only "on such particulars as were against law and the estab-"lished government of the kingdom; and that much "more had been offered to them for the obtaining of "peace than they could with justice or reason require."[1]

[1] Clarendon's 'History of the Rebellion,' vol. v. p. 80.

"According to the great principle that the English constitution in all "its component parts was to be maintained by both sides in this contest, "the question for Parliament was not what their military advantages or "resources for war entitled them to ask, but what was required for the "due balance of power under a limited monarchy. They could rightly "demand no further concession from the King than was indispensable for "their own and the people's security; and I leave any one who is tole-"rably acquainted with the state of England at the beginning of 1645 to "decide whether their privileges and the public liberties incurred a "greater risk by such an equal partition of power over the sword as the "King proposed, than his prerogative and personal freedom would have "encountered by abandoning it altogether to their discretion."—Hallam's *Constitutional Hist.*, vol. ii. p. 238-9.

The Commissioners parted on the 22nd of February. The efforts of body and mind made by the King's Commissioners during twenty-two days of fruitless negotiation must have been great, for Lord Clarendon tells us that "they who had been most inured to business had "not in their lives ever undergone so great fatigue as "at that treaty." They seldom parted till between two and three o'clock in the morning, and some of the King's Commissioners were obliged to sit up later and prepare the papers that were required for the next day, and to write letters to the King at Oxford, "so that, if the "treaty had continued much longer, it is very probable "many of the Commissioners must have fallen sick for "want of sleep."[1]

The failure of the treaty and the loss of Shrewsbury[2] again turned the King's mind to the necessity of separating from the Prince, and he spoke to those whom he trusted most of his resolution to part, lest the enemy should, "upon any success, find them together, which, "he said, would be ruin to them both; whereas, though "he should fall into their hands, whilst his son was at "liberty, they would not dare to do him harm."[3] The preparations for the Prince's journey were ordered to be made with all haste, and those who were appointed to accompany him were commanded to hold themselves immediately in readiness. The Duke of Richmond

[1] Clarendon's 'Hist. of the Rebellion,' vol. v. p. 81.

[2] Taken by Colonel Langham and Mitton. The Governor, Sir Michael Earnly, was dying of consumption, but, on hearing of the town being entered by treachery, rose from his bed, refused quarter, and was killed in his shirt.—Ibid., p. 67.

[3] Ibid., p. 82.

and Lord Southampton, though of the Prince's council, excused themselves from this duty. Sir Edward Hyde represented strongly to the King also that his office as Chancellor of the Exchequer made it more proper for him to be near his Majesty, but the King "was so "positive on the point of his accompanying the Prince, "as to say, with some warmth, that, if he would not go, "he would not send his son."[1] Lord Hopton was sent to Bristol to provide a house for the Prince, and to put the city into as good a state of security as was necessary for the safety of his residence there. To Lord Capell was assigned the duty not only of commanding the Prince's only guard, consisting of one regiment of horse and one of foot,[2] but of raising these troops "on his "own credit and interest, there being, at that time, not "one man raised of horse or foot, nor any means in view "for the payment of them when they should be raised, "nor indeed for the support of the Prince's family or "his person. In so great a scarcity and poverty was "the King himself and his Court at Oxford."[3] What part of Lord Capell's estates were at his own disposal Lord Clarendon does not mention; possibly some of those which were the inheritance of his wife had not then undergone the penalty of sequestration; but whilst Lord Clarendon speaks of two regiments raised at Lord Capell's expense, the Journals of the House of Commons note the cutting down of 250*l.* worth of timber on his sequestered estates for the benefit of two widows whose husbands had suffered in the service of

[1] Clarendon's 'Life,' vol. i. p. 176. [2] Appendix J.
[3] Clarendon's 'Hist. of the Rebellion,' vol. v. p. 84.

the Parliament.[1] On the 4th of March, 1644-5, the Prince left Oxford, and at the end of a week arrived at Bristol. When first it was known that the Prince was to be sent into the west, a number of the leading gentlemen of Dorset, Somerset, Devon, and Cornwall waited upon the King at Oxford; they announced their intention of forming themselves into an association to be joint petitioners to the Parliament for peace,[2] "and "requested that the Prince might be general of this "association; in order to which they would provide for "his support according to his dignity, and in the first "place take care for the raising a good guard of horse "and foot for the safety of his person."[3]

On arriving at Bristol it was found that no one promise was fulfilled—no guards raised, not one man or horse provided; 100*l.* a week was to have been raised for the Prince's support, "not one penny of which was "ready nor like to be."[4] The Prince was obliged to borrow from "Lord Hopton's own private store" to buy bread; and unhappily it appeared that the zeal of the deputies of the Western Association who had made such promises and engagements at Oxford had far outstepped their knowledge of the circumstances and inclinations of those in whose name they had spoken. At the earnest

[1] Colonel Mildrum and Colonel Cunningham.—*Com. Journ.*, vol. iii. p. 583.

[2] They proposed "that their petition should be sent by very many "thousands of the most substantial freeholders of the several counties, "who should have money enough in their purses to defray their charges "going and returning; and whosoever refused to join in the petition "should be looked upon as enemies to peace and their country, and treated "accordingly."—Clarendon's 'Hist. of the Rebellion,' vol. v. p. 85.

[3] Ibid., p. 86.

[4] Ibid., p. 141.

request of these gentlemen the Prince, as before mentioned, had been named, on quitting Oxford, General of the Western Association; he was also appointed Generalissimo of the King's forces,[1] though not, of course, with any power to act, being then but fifteen years old: his actions were to be entirely governed by his council; and the duties that devolved upon that council from the moment of their arrival in Bristol were rendered peculiarly harassing and difficult by the dissensions in the Western Association and the jealousies that arose between the different military commanders, whose movements they were to direct in the Prince's name. Such indeed were the disputes, the bitter animosities, and the heavy complaints they lodged against each other, that the narration of them sounds more like the history of the antagonist parties in the civil war, than that of men supposed to be united in a common cause.

Towards the end of March Lord Goring desired the presence of two of the Privy Council at Wells, to consider what course should be taken respecting Taunton. Lord Capell and Lord Culpepper accordingly attended him,[2] and the measures were agreed on that should be adopted for reducing that place. Sir Richard Greenvil was to be ordered by the Prince to advance for that purpose, and to direct the Commissioners of Somerset to give their personal attendance. In compliance with Lord Goring's wishes orders to this effect were issued the following day by the Prince, and Sir Richard Greenvil accordingly advanced with 800 horse and 2000 foot

[1] Clarendon's 'Hist. of the Rebellion,' vol. v. p. 87.
[2] Ibid., p. 143.

towards Taunton. In the mean time Lord Goring, hearing that Sir William Waller's forces were at Shaftesbury and its neighbourhood, earnestly desired the Prince to countermand Sir Richard Greenvil's attempt upon Taunton, and to join him instead, to assist in repelling or attacking Sir William Waller. These commands were also immediately sent by the Prince to Sir Richard Greenvil, but he positively declined, for himself and the Commissioners,[1] giving any such assistance. This produced the suggestion of fresh plans. Lord Goring took offence at not being able to pursue certain advantages he had gained over Sir William Waller, complained of the Prince's council for readopting what had originally been his own suggestion, of sending foot and cannon to Taunton, and retired to Bath, saying, "there was now nothing for him to do."[2]

Lord Goring's foot and cannon were sent to Taunton under command of Sir Joseph Wagstaffe, and it was deemed necessary that Lord Capell and Lord Culpepper should repair thither immediately, lest disputes should arise on the arrival of this reinforcement. Their

[1] Clarendon's 'Hist. of the Rebellion,' vol. v. p. 145.

[2] Ibid., p. 147. Lord Clarendon adds, that, after "some days frolickly "spent at Bath, Lord Goring returned to his former temper, and, waiting "on the Prince at Bristol, was contented to be told 'that he had been "'more apprehensive of discourtesies than he had cause;' and so all mis-"understandings seemed to be fairly made up." (Ibid., p. 148.) Misunderstandings, however, that arose so easily, and apprehensions of discourtesies so readily entertained on slight grounds when the most serious interests were at stake, were proofs of a character on which no dependence could be placed; and the temper that was to be mollified by a few days spent "frolickly" when serious duty was in question, was not likely to be restrained by discipline, or be influenced in future by past misunderstandings having been "fairly made up."

presence seemed to have been most opportune. Sir Richard Greenvil had been so severely wounded on the morning of his forces reaching Taunton, that he was obliged to give up his command;[1] and but for their interference in placing Sir John Berkley at the head both of Sir Richard Greenvil's and of Sir Joseph Wagstaffe's troops, it is probable that in the struggle for command both forces would have been disbanded. Lord Capell and Lord Culpepper visited Sir Richard Greenvil as he was placed in his litter to be carried to Exeter, told him what they had done respecting Sir John Berkley, and requested him to desire from his own officers a cheerful submission to their new commander. Sir Richard Greenvil promised to do so, and, immediately speaking to some of his officers at the side of his litter, Lord Capell and Lord Culpepper concluded he had fulfilled his promise. Lord Clarendon, however, surmises that, so far from this being the case, his instructions must even have been of a contrary purport, for after his departure "neither officer nor soldier "did his duty, after he was gone, during the time Sir "John Berkley commanded in that action."[2] Whilst the siege of Taunton was proceeding the Prince had removed from Bristol to Bridgewater, and on the 23rd of April he summoned the Commissioners of the four associated western counties to meet him there.[3] The

[1] He was shot in the thigh at Wellington House, five miles from Taunton. Wellington House was afterwards taken by Sir John Berkley.

[2] Clarendon's 'Hist. of the Rebellion,' vol. v. p. 149.

[3] "There was a great body of Commissioners. For Dorsetshire and "Somersetshire, Sir John Strangeways, Mr. Anchetil Grey, and Mr. "Ryves; for Devonshire, Sir Peter Ball, Sir George Parry, Mr. Saint

Commissioners of Devonshire had grievous complaints to make against Sir Richard Greenvil, and on the 30th of April Lord Capell, with Lord Culpepper and Sir Edward Hyde, were sent to Exeter "to examine all "the complaints and allegations of the Commissioners, "to settle the business of the contribution, and also to "decide matters of dispute between Sir John Berkley "and Sir Richard Greenvil, so that the public service "might not be obstructed."[1]

Immediately on their arrival at Exeter, Lord Capell and Lord Culpepper went to visit Sir Richard Greenvil. He was still confined to his bed with his wound, but full of bitter complaints against Sir John Berkley; and it was no easy task to appease his angry and offended feelings towards him, or to settle the complaints alleged against himself by the Commissioners. These differences were at length composed. Sir Richard Greenvil was satisfied by being appointed according to his wishes, so soon as he was sufficiently recovered, to assist in moulding that army which was then raising; and all that remained was to dispose Sir John Berkley to acquiesce in the arrangements proposed. Accordingly, Lord Capell and Lord Culpepper resolved to return to the Prince at Bristol,[2] visiting Taunton on their way, in order to secure Sir John Berkley's consent to undertake the blockade of Plymouth.[3]

"Hill, and Mr. Muddyford; for Cornwall, Sir Henry Killigrew, Mr. "Coriton, Mr. Scawen, and Mr. Roscorroth."—Clarendon's 'Hist. of the Rebellion,' vol. v. p. 152.

[1] Ibid., p. 163. [2] Ibid., p. 167.

[3] Sir Edward Hyde did not accompany them, having to complete the

These constant efforts to produce peace and remove misunderstandings amongst those whose cordial co-operation with each other was necessary for ultimate success, were unhappily crossed not only by the perverse conduct of the parties themselves, but by the successful intrigues at Court which interfered with and lowered the authority of the Prince's council. Lord Goring and Prince Rupert endeavoured to lessen the credit of the council with the King, and on the 10th of May[1] directions were given by his Majesty, in a letter to his son,[2] that Lord Goring should be admitted into all consultations as if he were one of the established council; that the Prince's power as Generalissimo of the King's forces was to be transferred to him, for that, having received power from Prince Rupert to give commissions in that army, "all commissions to be "granted should pass by General Goring;" and no

arrangements at Exeter for the contribution and other matters.—Clarendon's 'Hist. of the Rebellion,' vol. v. p. 168.

[1] It was about the end of the second week in May when Lady Capell, Lady Bradford, and Mrs. Fanshawe met by previous arrangement on the way to Bristol, where they were to join their husbands. Their journey was not performed without some danger of surprise, for which reason they were to ride all night. "About nightfall," says Mrs. Fanshawe, "having "travelled about twenty miles, we discovered a troop of horse coming "towards us, which proved to be Sir Marmaduke Roydon, a worthy com- "mander and my countryman. He told me that, hearing I was to pass "by his garrison, he was come out to conduct me he hoped as far as was "dangerous, which was about twelve miles. With many thanks we "parted; and, having refreshed ourselves and horses, we set forth for "Bristol, where we arrived on the 20th of May." In July, when the plague increased too fast to remain at Bristol, the Prince and his retinue went to Barnstaple; from thence Lady Capell, with her daughter, afterwards Marchioness of Worcester, went with a pass from Lord Essex to London.—*Mem. of Lady Fanshawe*, pp. 47 and 55.

[2] Clarendon's 'Hist. of the Rebellion,' vol. v. p. 173.

commissions were to be granted (except to the Western Association) by the Prince. The Council were directed to contribute their advice and opinions to General Goring, but to carefully forbear giving him any positive or binding orders.[1] Lord Goring undertook the relief of Taunton, but after six weeks spent in nominally endeavouring to reduce that town, and really wasted in negligence and licence, he was forced to draw off his troops on the 25th of July,[2] thus allowing Sir Thomas Fairfax's forces to join with those under Colonel Massey, that had already come to the relief of the city. He was defeated and routed by Fairfax, and pursued through Lamport[3] to the walls of Bridgewater; here he spent the night, and retired the next day to Barnstaple, in Devonshire, where he consoled himself by inveighing against the Prince's council, and "declaring that they had been "the cause of the loss of the West."[4]

[1] Clarendon's 'Hist. of the Rebellion,' vol. v. p. 173.

[2] Whitelock's Memorials, p. 149.

[3] Sir Thomas Fairfax's account of this action fully bears out Lord Clarendon's account of the manner in which Lord Goring neglected the advantages of his position.—*Appendix* K.

[4] Clarendon's 'Hist. of the Rebellion,' vol. v. p. 210.

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LONDON: PRINTED BY W. CLOWES AND SONS, STAMFORD-STREET.

00140811

Digitized with financial assistance from the
Government of Maharashtra
on 28 March, 2016